

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-52839
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 18, 2011
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 18, 2011. Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services (DHS or Department).

ISSUE

Was the Department correct in denying Claimant's Medical Assistance (MA or Medicaid) application for failing to return verification?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On June 14, 2010, Claimant applied for MA and retroactive MA to March 2010.
2. A verification checklist form and an employment verification form were sent to Claimant on July 7, 2010, with a due date of July 19, 2010.
3. On July 19, 2010, Claimant's representative requested an extension.
4. On July 19, 2010, a new verification checklist was sent to Claimant, with a due date of July 28, 2010.
5. On July 28, 2010, Claimant's representative requested an extension.

6. On July 28, 2010, DHS granted a five-day extension, with a due date of August 3, 2010.
7. On August 4, 2010, Claimant's application was denied for failure to return the verification.
8. On August 13, 2010, Claimant requested a hearing, contesting the denial of the Medicaid application.

CONCLUSIONS OF LAW

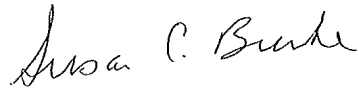
The MA program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.5. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 5.

In the present case, the Department requested information regarding employment, and Claimant, in turn, requested extensions, indicating in his request that he was continuing to pursue requested verifications regarding employment. It appears that Claimant was making a reasonable effort in trying to obtain employment verification. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's application for failing to return verification. BAM 130.

DECISION AND ORDER

The Department's decision to deny Claimant's MA application for failing to return verification was incorrect and is, therefore, REVERSED. It is ORDERED that Claimant's application shall be reinstated and reprocessed from the date of the original application, June 14, 2010, retroactive to March, 2010.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 26, 2011

Date Mailed: January 27, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SCB/pf

cc:

