

**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.: 2010-53205
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 26, 2011
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on Wednesday, January 26, 2011. The Claimant did not appear however his authorized hearing representative, [REDACTED] of [REDACTED], [REDACTED], appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") application due to the failure to submit the requested verifications?

FINDINGS OF FACT

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

1. The Claimant/Representative submitted a MA application on April 7, 2010.
2. The Department sent a Verification Checklist to the Claimant/Representative requesting the information be submitted by May 24, 2010. (Exhibit 1)
3. The Claimant/Representative submitted the requested information prior to the due date. (Exhibit 2)
4. The Department denied the application on July 27, 2010. (Exhibit 3)
5. The Department received the Claimant/Representative's written request for hearing on August 3, 2010.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formerly known as the Family Independence Agency, 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 Bridges Reference Manual (“BRM”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. BAM 130

In this case, the Claimant/Representative submitted the requested verifications prior to the May 24, 2010 due date. The Department did not request additional information. On July 27, 2010 the Department improperly denied the application. Under these facts, it is found that the Department failed to establish it acted in accordance with department policy when it denied the Claimant’s MA application. Accordingly, the Department’s actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department failed to establish it acted in accordance with department policy when it denied the Claimant’s MA application.

Accordingly, it is ORDERED:

1. The Department’s determination is REVERSED.
2. The Department shall re-open and process the Claimant’s April 7, 2010 MA application and notify the Claimant and her Authorized Representative of the determination in accordance with department policy.

3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/27/2011

Date Mailed: 1/27/2011

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.

CMM/jlg

cc:

