

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-9830
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 20, 2010
Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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, an in-person hearing was held on May 20, 2010. Claimant and his wife [REDACTED] personally appeared and testified.

ISSUE

Did the department correctly deny claimants' Medicaid (MA) application in August, 2009?

FINDINGS OF FACT

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

1. Claimants applied for MA based on disability conditions on June 22, 2009.
2. On June 26, 2009 department mailed the claimant a Medical Determination Verification Checklist giving them until July 7, 2009 to return Medical Examination Reports,

Medical Social Questionnaires, Activities of Daily Living, Reimbursement Authorizations, and Authorization to Release Protected Health Information forms. (Department's Exhibit 2).

3. Claimants returned all but a Medical Examination Reports and Authorization to Release Protected Health Information forms on July 7, 2009, due date to return the verifications. (Department's Exhibits 3-20).

4. On August 26, 2009 department denied claimants' MA application due to their failure to return all of the requested forms. Claimants requested a hearing on September 1, 2009.

5. Department provided for the hearing a Bridges document printout showing a request date and generate date for various forms that were allegedly mailed to the claimants, 18 total. Claimants testified that they returned all of the forms that they received in the mail.

6. [REDACTED] provided at the hearing a Social Security Administration (SSA) approval for RSDI stating that she was found to be disabled under SSA rules on June 15, 2009, and that she will start receiving RSDI benefits effective December, 2009 with the first check being around January 13, 2010.

7. Also provided at the hearing was an e-mail message from [REDACTED] to her caseworker dated December 31, 2009 and sent as a follow-up to the voice mail message she left on December 26, 2009. The e-mail advises that [REDACTED] has been approved for RSDI, however hearing testimony by the department indicates that such benefits have not been budgeted on claimants' FAP case.

CONCLUSIONS OF LAW

The Medical Assistance (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 of Human Services (DHS or 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 (RFT).

Department, in accordance with departmental policy, mailed the claimant a verification checklist on June 26, 2009 following the receipt of their MA application, and gave them 10 days to return requested verifications. BAM 130. Due date for return of the verification which consisted of departmental forms was July 7, 2009. Claimants did return several requested forms on July 7, 2009, and testified at the hearing that the forms returned were the only ones they received from the department to begin with. Claimants' caseworker is not available to testify at the hearing. This Administrative Law Judge inquired of the department's representative as to why the caseworker would not attempt to contact the claimants to inquire about other forms, since they did return several forms exactly on the due date to do so. Representative was of the opinion that such contact is up to individual caseworker to make or not make, and it is true that departmental policy does not require such contact. However, the caseworker waited over 7 weeks to deny claimants' MA application after she received part of requested verification, and it would appear an effort to notify the claimants of missing forms could have been made in this period of time.

As already stated, claimants' hearing testimony is that they returned all of the forms that were sent to them, and that they never received other forms department claims they failed to return. Medical Determination Verification Checklist of June 26, 2009 lists 5 forms for the claimants to return, and presumably double forms as each was applying for MA. However, Bridges printout provided by the department (see Finding of Fact #5) lists 18 forms that were allegedly issued by the computer system to mail to the claimants. Therefore, claimants' hearing testimony that they returned all of the forms sent to them is credible, as there is apparent

discrepancy between what the caseworker wrote on the verification checklist was mailed to them and Bridges printout of generated forms.

In conclusion, this Administrative Law Judge is persuaded that the claimants indeed did not receive all of the requested forms and were therefore not able to return them to the department. This conclusion is based on several factors. First one is the discrepancy described above between the written verification checklist and Bridges printout. Second factor is based on the fact that claimants' caseworker waited over 7 weeks to deny their application so was therefore obviously not prompt in completing her casework, most likely due to heavy workload facing all caseworkers, and could have therefore also not been aware that Bridges system did not issue all of the forms to be mailed to the claimant. Third factor is that the claimants returned several forms on the due date, July 7, 2009, and it is unlikely they would not return the remainder of the received forms, or at least write a note or attempt to contact the caseworker about their inability to return the remainder of the forms. Lastly, the caseworker is not available for the hearing to offer any testimony to dispute claimants' testimony.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimants' MA application in August, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Re-process claimants' disputed June 22, 2009 MA application.
2. Determine MA eligibility for [REDACTED] without the need for a disability determination (BEM 260), as she has been approved for RSDI based on disability with disability onset date of June, 2009.
3. Notify [REDACTED] in writing of MA determination.

4. Issue a verification checklist and provide any necessary forms to [REDACTED] needed to process his MA application; also assist [REDACTED] in obtaining any existing medical records if he notifies the department he is unable to do so himself.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 25, 2010

Date Mailed: May 25, 2010

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.

IR/tg

cc:

[REDACTED]