

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: 20109900
Issue No: 2006

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. This matter was originally assigned to [REDACTED]. [REDACTED] is no longer employed by the State Office Of Administrative Hearings and Rules. This matter was reassigned to [REDACTED] to complete the decision after complete review of the record. Claimant's request for a hearing was received on January 19, 2010. After due notice, in person hearing was held on March 18, 2010. The Claimant's representative, Forest White, was present and testified.

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's Medical Assistance (MA) application?

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 Authorized Representative submitted an Application for Assistance on behalf of the Claimant on June 15, 2009. (Department Exhibit A pgs 28-46).
2. The Department sent a Verification Checklist to the Claimant on September 2, 2009 with a due date for proofs of September 11, 2009. (Department Exhibit A pgs 20-21)
3. On September 11, 2009, the Authorized Representative faxed to the Department some of the requested proofs as well as a request for a 10 day extension. (Department Exhibit A pg 1-10).

4. On September 15, 2009, the Department sent a DHS 1150 Application Notice denying the Application for Assistance because of the failure to provide proofs. (Department Exhibit A, pgs 14-16).
5. On November 2, 2009, the Department received the Claimant's Request for Hearing.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM). Department policy states:

BAM 105 DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item. The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

CLIENT RIGHTS

Right to Apply All Programs

On the **same day** a person comes to the local office, a person has the right to file an application and get local office help to provide the minimum information for filing. An application **or** filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, **if** it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative.

An application/filing form with the minimum information listed above must be registered in Bridges using the receipt date as the application date even if it does not contain enough information needed to determine eligibility; see BAM 110.

BAM 130 MA and AMP

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. Refer to above policy for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date.

In this case, Department sent the Claimant a Verification Checklist. The Claimant had until September 11, 2009 to provide the requested items. On September 11, 2009, the Claimant's authorized representative requested a 10 extension of the deadline because they were currently waiting to get the requested verifications. The Authorized Representative also included 2 of the requested items for verification. This indicates a reasonable effort was being made by the Claimant to obtain the requested items as stated in BAM 130.

Policy also states that the Department is to extend the time limit up to three times when a client is unable to obtain verification despite a reasonable effort. The Authorized Representative requested an extension in this matter. The Department did not grant the 10 day extension and denied the claim on September 15, 2009. The Department was required to grant the 10 day extension. As a result of policy, the Authorized Representative on behalf of the Claimant had until September 21, 2009 to provide the requested verifications or request an additional extension.

