

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. 2011-15237
Issue No. 2006
Case No. [REDACTED]
Hearing Date: March 31, 2011
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on March 31, 2011. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), Philip Sam, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits due to a failure by Claimant to timely submit verifications.

FINDINGS OF FACT

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

1. On 10/25/10, Claimant applied for MA benefits (see Exhibit 1).
2. On 12/1/10, DHS mailed Claimant a Verification Checklist (Exhibit 2) requesting verification of Claimant's last 30 days of check stubs.
3. The due date to return the check stubs was 12/13/10.
4. On 12/20/10, DHS mailed Claimant a Notice of Case Action denying Claimant's application for MA benefits.
5. On 12/21/10, DHS received Claimant's check stubs (Exhibit 3) via fax.
6. On 1/7/11, Claimant requested a hearing disputing the denial of MA benefits.

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). DHS (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

For MA benefits, clients are given 10 calendar days to provide requested verification. *Id.* at 5. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* at 6. DHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.* at 5.

In the present case, it was not disputed that DHS made a proper request for verification of Claimant's employment income. Claimant and his mother, [REDACTED], had no first hand knowledge of when the income verifications were sent to DHS because Claimant's father submitted the verifications. Claimant and his mother testified that they believed the income verifications were submitted prior to receiving the Notice of Case Action denying MA benefits.

Claimant's check stubs (Exhibit 3) were presented by DHS as exhibits. The stubs showed a fax receipt date of 12/21/10. Claimant's MA benefits were denied on 12/20/10. Barring mitigating circumstances, the undersigned interprets a verification submitted after a denial date to be a lack of reasonable effort. Accordingly, it is found that DHS properly sent a negative action notice (the Notice of Case Action) denying Claimant's MA benefits due to a failure to timely submit verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application dated 10/25/10 for MA benefits based on a failure to timely return verifications. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 20, 2011

Date Mailed: April 20, 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.

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