

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.: 2011-12761
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 16, 2011
Wayne County DHS (82)

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 February 16, 2011. The claimant appeared and testified. [REDACTED] of [REDACTED] appeared and testified on behalf of Claimant as an Authorized Hearing Representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 9/21/2009 requesting Medical Assistance (MA) benefits due to an alleged failure by Claimant to verify assets.

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 9/21/09, DHS received an Assistance Application requesting MA benefits on behalf of Claimant.
2. Claimant's application listed that Claimant only had a bank account with Charter One.
3. In processing Claimant's application, DHS came across a bank statement (Exhibit 1) from earlier in 2009 indicating Claimant had a checking and savings account that was not listed on Claimant's application.

4. On 12/4/09, DHS mailed a Verification Checklist (Exhibit 2) requesting Claimant's banking statements for checking account ending in #1957 and saving account ending in #2674.
5. DHS did not receive any verification concerning the requested bank accounts.
6. On 2/3/10, DHS denied Claimant's application dated 9/21/09 due to Claimant's failure to verify the bank accounts.
7. On 12/15/10, Claimant's AHR requested a hearing disputing the DHS denial of Claimant's application dated 9/21/09.

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 (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 4. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* 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.*

Clients must verify the value of countable assets as a condition of MA eligibility. BEM 400 at 34. Savings and checking accounts are an asset for purposes of MA eligibility. *Id.* at 2.

In the present case, DHS denied Claimant's application dated 9/21/09 requesting MA benefits due to Claimant's alleged failure to verify assets. Claimant's AHR contended that all listed assets on the Assistance Application were verified. Though the AHR contention is accurate, it was not disputed that Claimant failed to verify the requested information concerning the Charter One bank accounts that were not listed on Claimant's application. DHS is not limited to the application in requesting information concerning eligibility factors. In the present case, DHS happened to notice documents which indicated that Claimant had bank accounts which were not reported on the Assistance Application. DHS established making appropriate requests concerning the accounts and not receiving any responses. It is found that DHS properly denied Claimant's application for MA benefits due to Claimant's failure to verify assets.

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 9/21/09 due to Claimant's failure to verify assets. The actions taken by DHS are AFFIRMED.



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

Date Signed: 2/28/2011

Date Mailed: 2/28/2011

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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