

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 201116399
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: May 31, 2011
DHS County: Wayne County DHS-82

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on May 31, 2011. The Claimant's Authorized Representative and guardian [REDACTED] appeared and testified. [REDACTED] FIM appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's MA application for failing to return 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) Claimant applied for MA benefits on June 17, 2010.
- (2) A verification checklist was sent to Claimant on July 13, 2010 with a July 23, 2010 due date.
- (3) On July 23, 2010 Claimant's Representative sent a fax requesting clarifications of what information was needed.
- (4) Claimant submitted bank statements at hearing.

- (5) Claimant's case was denied on July 28, 2010 for failing to return verifications.
- (6) Claimant requested a hearing on August 9, 2010 contesting the denial of his Medicaid application. Claimant provided a fax confirmation sheet at hearing.

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 Program Reference Manual (PRM). The Medical Assistance program was designed to assist needy persons with medical expenses.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

In the present case, Claimant's representative provided adequate proof that she requested clarification regarding asset verifications prior to the deadline. Claimant provided a fax confirmation for this fax. This fax should have been treated as an extension request. This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort to cooperate. Therefore the Department was incorrect to deny Claimant's application for failing to return verifications. BAM 130

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to deny Claimant's MA case for failing to return verifications is REVERSED. Claimant's MA application shall be reinstated and reprocessed going back to the date of application.

	/s/ _____
Aaron	McClintic
Administrative	Law Judge
	For Maura Corrigan, Director

Date Signed: June 8, 2011

Date Mailed: June 8, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

cc:

