

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.: 2011-1950
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 12, 2011
DHS County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on January 12, 2011. Claimant appeared and testified. The Department of Human Services (DHS) did not appear.

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) coverage for herself?

FINDINGS OF FACT

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

1. On or about August 7, 2010, Claimant applied for MA for herself as the caretaker of her two children.
2. On August 7, 2010, DHS sent Claimant a Verification Checklist, DHS Form 3503, requesting her husband's paycheck stub for June 25, 2010.
3. Claimant submitted the June 25, 2010, paystub via the DHS local office mailbox.
4. DHS misplaced or lost the information.
5. On August 28, 2010, Claimant was denied MA benefits for the reason that she did not submit income information.

6. On September 2, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers MA pursuant to MCL 400.10, *et seq.* and MCL 400.105. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The applicable DHS manual section in this case is BAM 105, "Rights and Responsibilities." BAM 105 states that DHS policy is as follows:

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.

BAM 105, p. 1 of 13. (Bold print in original.)

In this case, Claimant gave credible and un rebutted testimony that she hand-delivered the requested income information to DHS. I accept her testimony and find and conclude that DHS failed to protect client rights as required by policy when it misplaced or lost the income document.

I also find and conclude that Claimant fulfilled her obligation to cooperate with her local DHS office, which is also required by BAM 105 on page 5:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. ...

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Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. *Id.*, p. 5 of 13. (Bold print in original.)

Based on Claimant's credible and un rebutted testimony that she hand-delivered the document to the DHS office in a timely fashion, I determine that Claimant's obligation to cooperate with DHS was fulfilled.

In conclusion, I decide that DHS failed to protect the client's rights in this matter and its action shall be REVERSED. DHS is ORDERED to reopen and reprocess Claimant's August 7, 2010, MA application, affording her the opportunity to resubmit income information in a timely fashion in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, hereby determines that DHS is REVERSED. It IS HEREBY ORDERED that DHS shall reopen and reprocess Claimant's August 7, 2010, MA application and allow Claimant the opportunity to submit necessary income information in a timely fashion, in accordance with DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 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.

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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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cc:

