

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.: 201122559
Issue No.: 1005; 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: March 30, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on March 30, 2011. Claimant appeared. Claimant was represented by [REDACTED] who testified on behalf of Claimant. The Department of Human Services (Department or DHS) was represented by [REDACTED]

ISSUE

Was the Department correct in denying Claimant's Cash Assistance and Medical Assistance application for failing to cooperate?

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 Cash Assistance and Medical Assistance on December 8, 2010.
2. The Department denied Claimant's application for failure to return verification on January 24, 2011.
3. Claimant requested a hearing on February 8, 2011, contesting the denial.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR).

The Department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM, BEM, and PRM.

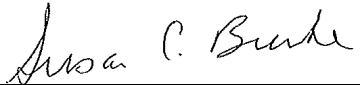
The Family Independence Program (FIP), Refugee Assistance Program Cash (RAPC) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. BEM 209.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105, 130. 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 the information should be extended at least once. BAM 130. 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.

In the present case, the Department failed to submit a verification check list or other notification given to Claimant to prove that Claimant even received the request for information. This Administrative Law Judge cannot find that Claimant failed to cooperate. Therefore, the Department was incorrect in denying Claimant's application for Cash Assistance and Medical Assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to deny Claimant's application for failing to cooperate was incorrect and, therefore, it ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department reinstate and reprocess Claimant's application for Cash Assistance and Medical Assistance, with the effective date of December 8, 2010. It is further ORDERED that all missed benefits shall be made in the form of supplemental payments.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 18, 2011

Date Mailed: April 18, 2011

201122559/SCB

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 receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.

SCB/ hw

cc:

