

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-22882
Issue No.: 2006
Case No. [REDACTED]
Hearing Date:
April 7, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 7, 2011. The claimant was represented by her guardian, [REDACTED].

ISSUE

Did the Department properly deny the claimant's Medical Assistance (MA) and retroactive MA applications?

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 [REDACTED], the claimant's guardian applied for MA and retroactive MA.
2. On [REDACTED], the department sent [REDACTED], then the claimant's guardian, a verification checklist requesting various pieces of documentation by the due date of [REDACTED]. (department exhibit 3).

3. On , the department sent a notice that the MA and retroactive MA applications had been denied due to failure to provide the verifications requested.
4. On , the claimant's AR requested a 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the department asked for verification of the claimant's checking account and trust fund in the form of bank statements.

Although the claimant's guardian changed without notice to the department, the claimant's representatives testified that the original guardian had included the requested documentation with the applications.

The department agreed that documentation of the requested items had been submitted with the application but the department found the documents to not be "current," thus not meeting the requirements of the department. The department argued that the documentation should have been for the month of the application, although no such admonition appeared on the department's request.

Obtaining Verification

All TOA

Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503, Verification Checklist (VCL), or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

For FAP only, if there is a system-generated due date on the verification form such as a DHS-3688, Shelter Verification, a verification checklist is not required to be sent with the verification form.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity, to request documentation of citizenship or identity for FIP, SDA, MA or AMP determinations.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (BAM 130, pp. 1-2).

In the instant case, the claimant's representatives did not provide the requested information a second time, but relied on the knowledge that they had already supplied the department with the documentation.

This ALJ finds that it was incumbent on the department to communicate its dissatisfaction with the documentation provided, or in the alternative, "use the best available information." As stated in policy above.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the department to reregister the [REDACTED], MA and retroactive MA applications and proceed with its decision making process.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 2, 2011

Date Mailed: June 2, 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.

MJB/hw

cc:

