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

IN THE MATTER OF:
 Issue

Reg. No.:   2011-29021
     No.:   2007
Case No.:
Hearing Date: May 23, 2011
DHS County: Macomb   (20)

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; M SA 16.437 upon the Claimant's r equest for a hearing. After due notice a telephone hearing was   held on May 23, 2011. The Claimant appeared and testified

ISSUE

Did the Department of Human Services   (Department) properly deny the Claimant's Medical Assistance (MA)?

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 January 26, 2011, the Claimant applied for MA based on disability.

2.   On February 23, 2011, the Departm   ent sent the Claim   ant a medica   l determination verific ation checklist r   equesting v arious pieces of medical documentation due March, 7, 2011.

3.   On March 14, 2010, the Department deni   ed the Claimant's MA application for lack of response to its verification notice.

4.   On April 4, 2010, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implement ed by T itle 42 of the C ode of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA

program pursuant to MCL 400.10, *et seq*., and MCL 4 00.105. Department polic ies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

At the hearing the Claimant testified that she had not re ceived the redetermi nation notice. The notice entered into evidence at the hearing was sent to the Claimant at the address that was giv en to the Department at the time of app lication and it is presumed that the notice was correctly delivered in the absence of proof to the contrary.

Obtaining Verification

All TOA

Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in t his item. Use the DHS-3503, Verifica tion 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 DH S-3688, Shelter Verification, a verification checklist is not required to be sent wit h 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 require d verification, but you must assist if they need and request help. (BAM 130, p. 2-3)

In the instant case, this Administrative Law Judge s ympathizes with the Claimant's position but absent evidence that the redetermination notice was not delivered correctly, I must find that the Department was correct in denying the Claimant's MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

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

Date Signed: June 28, 2011

Date Mailed: June 28, 2011

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

cc: