

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33588
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: June 22, 2011
DHS County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Wednesday, June 22, 2011. The Claimant appeared, along with her case manager, [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's Medical Assistance ("MA-P") benefits based on the failure to complete the re-determination process?

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 February 28, 2011, as part of the re-determination process, the Department sent a Verification Checklist to the Claimant/Representative requesting banking information. (Exhibit 1)
2. The checking and savings account verifications were due on March 10, 2011. (Exhibit 1)
3. The verifications were not received on or before March 10, 2011.
4. On March 14, 2011, the Claimant/Representative left a voicemail message with the Department seeking assistance.

5. On March 15, 2011, the Claimant/Representative faxed the Claimant's checking account verification to the Department.
6. On March 28, 2011, the Claimant/Representative spoke with the Department regarding what was needed to show that the Claimant's savings account was closed.
7. On March 29, 2011, the Department sent the Claimant/Representative a Verification Checklist requesting proof that the savings account was closed. (Exhibits 2, 3)
8. The savings account verification was due by April 8, 2011. (Exhibit 2)
9. The savings account verification was not received by April 8, 2011.
10. On April 22, 2011, the Department sent a Notice of Case Action to the Claimant/Representative terminating the Claimant's MA-P benefits effective March 1, 2011, based on the failure to submit the requested verification.
11. On May 2, 2011, the Department received the Claimant/Representative's written request for hearing. (Exhibit 5)
12. On May 19, 2011, the Claimant/Representative received verification of the savings account closure.

CONCLUSIONS OF LAW

Medical Assistance is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, formerly known as the Family Independence Agency, 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 Bridges Reference Manual ("RFT").

In addition to income, assets must be considered in determining MA eligibility. BEM 400. Assets are cash and any other personal and/or real property. BEM 400. Countable assets must be available and cannot exceed the applicable asset limit. BEM 400. Available means that someone in the asset group has the legal right to use or dispose of the asset. BEM 400. Clients must cooperate with the local Department office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is obtained when required by policy, required as a local office option, or

information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. Verification is usually required at application/re-determination and for reported change affecting eligibility or benefit level. BAM 130

In this case, the Claimant's case was scheduled for re-determination. The Department sent the Claimant/Representative a Verification Checklist specifically requesting supporting documentation for her checking and savings account. The Checklist also provided that if the account no longer existed, to submit a statement from the bank confirming the closure. The Verifications were due on March 10, 2011. The information was not received; however, at this point, the Department did not terminate the Claimant's benefits.

On March 14th, the Claimant/Representative left a message with the Claimant's case worker seeking assistance. On March 15th, the Claimant/Representative faxed verification of the Claimant's checking account. On March 28th, a conversation between the Claimant/Representative and the Department took place in which the Department informed the Claimant/Representative what was needed regarding the closed savings account. The following day, the Department sent a second Verification Checklist to the Claimant/Representative requesting the savings account verification be submitted by April 8, 2011. The verification was not received by the due date.

On April 22, 2011, after having no further contact with the Claimant/Representative and after not receiving the requested verification, the Department terminated the Claimant's MA-P. On May 19th, after the denial, the Claimant/Representative received the savings account verification. Ultimately, the Department established it acted in accordance with Department policy when it closed the Claimant's MA-P case for failing to submit requested verification necessary to determine eligibility. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it terminated the Claimant's MA-P benefits.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 30, 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.

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.

CMM/pf

cc:

