

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36165
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 15, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held in Pontiac, MI, on August 15, 2011. Claimant appeared and testified. Claimant was represented by [REDACTED] who appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) for failure to submit required verifications?

FINDINGS OF FACT

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

1. On March 3, 2011, Claimant filed an application for Medicaid (MA). The application lists two employers, [REDACTED]. Paycheck stubs were provided for [REDACTED] and not for [REDACTED].
2. On March 17, 2011, a verification check list was sent to the Claimant and her representative. This checklist requested verification of wages, salaries, tips and commissions for Claimant. This information was to be returned by March 28, 2011.
3. On March 25, 2011, Claimant's representative spoke with Claimant and Claimant indicated she had submitted the information regarding the [REDACTED] employment.

4. In March 2011, Claimant indicated she was no longer working for [REDACTED]. This employment had ended as of December 24, 2010.
5. On April 6, 2011, Claimant's application was denied for failure to return verifications.
6. On April 8, 2011, Claimant supplied a letter from [REDACTED] indicating she had been terminated.
7. On May 17, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

The 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (RFT).

In the present case, Claimant's MA case was denied for failure to return verifications, specifically earnings from [REDACTED] and proof of employment ending. The Department provided copies of the verification request sent to Claimant. Claimant supplied information regarding her current employer but failed to supply information regarding [REDACTED]. The verification checklist sent to Claimant failed to indicate which employer or employer information was being requested. Further, the verification checklist failed to indicate the time frame of the requested information.

Relevant policy can be found in BAM Item 130, pp. 1-3:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement must be applied the same for every client. Local requirements may not be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/re-determination and for a reported change affecting eligibility or benefit level.

Obtaining Verification

Tell the client what verification is required, how to obtain it, and the due date (see “Timeliness Standards” in this item). Use the DHS-3503, Verification Checklist, or for MA re-determinations, the DHS-1175, MA Determination Notice, to request verification.

Use the DHS-3503C, Verification Checklist for Citizenship/Identity to request documentation of citizenship or identity for Medicaid 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.

Relevant policy can be found in BAM Item105, p. 9:

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications.

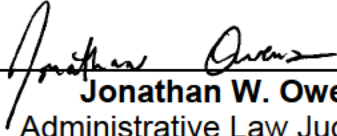
In the instant case, the Department requested information necessary for processing Claimant’s application. However, the verification checklist was too vague to be considered adequate to inform Claimant of what the Department needed in order to process Claimant’s application. The vagueness of the checklist resulted in Claimant not supplying the appropriate information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted contrary to policy.

Therefore, it is ORDERED that:

1. the Department's decision in this regard be and is hereby REVERSED;
2. The Department shall reprocess the application dated March 3, 2011.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 17, 2011

Date Mailed: August 17, 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.

JWO/pf

cc:

