

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

IN THE MATTER OF:



Reg. No.: 2011-38793
Issue No.: 2018
Case Nos.: [REDACTED]
Hearing Date: August 9, 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, a telephone hearing was held in Detroit, MI, on August 9, 2011. Claimant was represented by her husband, [REDACTED], who appeared and testified. Claimant also had two witnesses from the nursing home. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department properly processed an application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On July 23, 2010, an application for Medical Assistance (MA) was filed in the Walled Lake District office.
2. On July 23, 2010, a verification checklist was sent to the Claimant.
3. On December 14, 2010, a second verification checklist was sent out.
4. In December 2010, Claimant returned the verification checklist indicating he had not filed bankruptcy.
5. On January 5, 2011, the worker noted nothing had been returned.

6. On January 6, 2011, the Department's system indicated a denial due to Claimant's failure to supply necessary verifications. No evidence of a notice being sent regarding the denial was produced.
7. On February 22, 2011, the nursing home facility was advised of the MA denial via an email.
8. On April 5, 2011, Claimant's husband filed an MA application including a request for retro MA.
9. On April 8, 2011, the case was referred to a Fee Agent to determine questionable assets.
10. On April 21, 2011, the Fee Agent notified the Department that there were no bankruptcy filings or active businesses for Claimant or her spouse.
11. On May 4, 2011, the Department sent an approval notice indicating that Claimant was awarded MA beginning January 2011.
12. On June 3, 2011, Claimant's husband filed a request for hearing indicating he was seeking coverage prior to January 2011.

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 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 instant case, Claimant requested a hearing regarding an application filed on July 23, 2010. Claimant's husband testified he never received a notice indicating any action was taken on the application. Claimant did receive two verification checklists, the last one of which was issued in December 2010 requesting information regarding a bankruptcy. Claimant's husband testified he did, in fact, return the Department checklist and indicated on the checklist he never filed bankruptcy. The Department's representative at the hearing indicated, based on the records available on BRIDGES, it appears the worker denied the application for failure to return documents. The Department was unable to demonstrate that a notice of case action was generated and where, if one had been generated, it had been sent.

This Administrative Law Judge finds Claimant's husband's testimony credible regarding the requested information having been returned to the Department. The Department failed to process the application upon receipt of the requested information. Further, the Department acknowledged on a new application submitted in April 2011 that the Fee

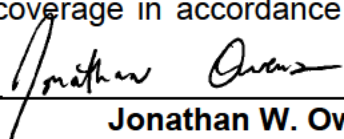
Agent confirmed no bankruptcy had been filed and Claimant did not have any active businesses. Therefore, based upon the credibility of Claimant's husband's testimony combined with a lack of any evidence to support a contrary argument, this Administrative Law Judge finds that Claimant did comply with the Department's request for verification and the Department improperly denied the application for MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department improperly denied Claimant's application for MA.

Accordingly, the Department's decision is hereby REVERSED and the Department is ORDERED to:

1. Reprocess Claimant's application dated July 23, 2010;
2. Determine eligibility and if found eligible, activate coverage in accordance with said application date.



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

Date Signed: August 16, 2011

Date Mailed: August 16, 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:

