

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-40834
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 11, 2011
DHS County: Macomb (12)

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 from Detroit, Michigan on August 11, 2011. The claimant was represented by her son [REDACTED] and [REDACTED] a representative of [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny 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 May 22, 2009, the claimant's son, [REDACTED] filed an application for MA and retroactive MA for his mother, [REDACTED]
2. On June 12, 2009, the Department sent the claimant's son, [REDACTED] a verification checklist requesting various pieces of information/documentation. (Department Exhibit 2.)
3. The claimant failed to return the redetermination forms.
4. On June 22, 2009, the Department documented a phone call to [REDACTED] requesting a copy of a trust document.

5. On July 10, 2009, the Department denied the claimant's MA and retroactive MA applications.
6. On April 5, 2011, the claimant filed a request for 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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, p. 3.)

Here, the claimant was first represented by her son [REDACTED] when he filed the May 22, 2009, applications. The Department sent a verification checklist to [REDACTED] on June 12, 2009, and denied the application on July 10, 2009, when it received no response.

This case appears to have been unnecessarily complicated by the failure of those representing the claimant to communicate with each other concerning the necessary steps to follow up on the original applications.

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
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 19, 2011

Date Mailed: August 19, 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.

MJB/cl

cc:

