

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

IN THE MATTER OF:

[REDACTED]

[REDACTED] 23
[REDACTED]

Ingham County DHS-33

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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, an in person hearing was held on September 13, 2011. The Claimant appeared and testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medical Assistance and State Disability Assistance applications for failing to provide required forms?

FINDINGS OF FACT

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

1. Claimant applied for MA and SDA on August 31, 2010.
2. Medical records were sent to the Medical Review Team.
3. The Medical Review Team requested 49F and 49G forms to be completed.
4. On April 6, 2011 the forms were sent to Claimant. No due date was on the form. The Department had an incorrect address for Claimant.
5. Claimant testified that he submitted all forms sent to him in a timely manner.
6. On April 23, 2011 Claimant's MA and SDA applications were denied for failing to cooperate.

7. Claimant requested a hearing on July 5, 2011 contesting the denial of MA and SDA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA-P) 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-P 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 Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Bridges Reference Manual (PRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant credibly testified that he submitted all forms that were sent to him. The forms had no due and date and there was no verification checklist. In addition the mailing address the Department had for Claimant was incorrect due to Department error. It seems likely that the form never reached the Claimant. This Administrative Law Judge cannot find the Claimant refused to cooperate or failed to make a reasonable effort to cooperate. Therefore denial of Claimant's application for failing to cooperate was improper and incorrect. BAM 130

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of MA and SDA benefits, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's MA and SDA applications shall be reinstated and going back to the date of application.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 9/20/11

Date Mailed: 9/20/11

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Am/ds

