

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

IN THE MATTER OF:



Reg No. 2011-53439
Issue No. 2006
Case No. [REDACTED]
Hearing Date: November 17, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on August 29, 2011. After due notice, a telephone hearing was held on November 17, 2011. Claimant's authorized representative personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's Medical Assistance (MA) application for failure to timely provide verification of her 401K account?

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 Medicaid and Retro-Medicaid on April 11, 2011. (Hearing Summary).
2. On April 14, 2011, a Verification Checklist was sent to Claimant requesting verification of bank account statements for checking and savings for March 2011, as well as verification of Claimant's 401K account due by April 25, 2011. (Hearing Summary, Department Exhibit 1).
3. On April 25, 2011, May 5, 2011, May 15, 2011 and May 25, 2011, the department granted Claimant's representative's extensions to May 26, 2011.
4. On May 31, 2011, the department mailed Claimant a Notice of Case Action denying Claimant's application for MA based on a failure to verify or allow the department to verify necessary information. (Department Exhibits 7-8).

5. Claimant submitted a hearing request on August 29, 2011, protesting the denial of her Medicaid application. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Mich Admin Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (DHS or 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 Reference Tables Manual (RFT).

Department policy states that Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist Clients when necessary. BAM 105.

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

The department tells the Client what verification is required, how to obtain it, and the due date through the use of the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice. The Client must obtain the required verification, but the department must assist if they need and request help. BAM 130.

For MA, the Client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the Client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. A Notice of Case Action is sent when the Client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

In this case, Claimant applied for Medicaid on April 11, 2011. A Verification Checklist was mailed to Claimant on April 14, 2011, requesting bank account statements for checking and savings, as well as verification of her 401K account. The department granted 4 extensions, and on May 26, 2011, the final extension date, the department had not received the requested verification of Claimant's 401K account. On May 31,

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2011, the department mailed Claimant a Notice of Case Action denying her MA application for failure to provide the requested verification of her 401K account.

At the hearing, Claimant's representative was unable to provide definitive verification of Claimant's 401K account and did not dispute that definitive verification of Claimant's 401K account had not been provided to the department. Therefore, this Administrative Law Judge finds that the department acted properly by denying Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department established Claimant did not comply with the requested verification and the department's decision denying Claimant's MA application is UPHELD.

It is SO ORDERED.

/S/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/22/11

Date Mailed: 11/22/11

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 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 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.

VLA/ds

