STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No:20116621Issue No:2005Case No:Image: Case No:Hearing Date:March 10, 2011Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrati ve Law J udge by authorit y of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on October 18, 2010. After due notice, a telephone hearing was held on Thursday, March 10, 2011. The Claimant did not participate in the hearing, but was represented by her Authorized Hearing Representative

ISSUE

Whether the Department of Human Serv ices (Department) properly det ermined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

- 1. The Claim ant submitted an applic ation for Medical Ass istance (MA) on January 28, 2010.
- 2. The Claim ant indicat ed on her applic ation for assistance that she is a U.S. Citizen.
- 3. On February 12, 2010, the Department s ent the Claimant a verification check list with a due date of February 22, 2010. The Dep artment requested that the Claimant provide a copy of her current photo identification.
- 4. The Depar tment granted three extens ions requests on February 22, 1010, March 4, 2010, and June 24, 2010 to the verification checklist due date.

- 5. On June 24, 2010, the Claimant prov ided the Department wi th a jail photo identification printout, which was dated March 14, 2010.
- 6. On July 30, 2010, the Depa rtment notified the Claimant that it had denied her application for Medical Ass istance (MA) for failure to provide information necessary to determine her eligibility to receive benefits.
- The Department received t he Claim ant's r equest for a hearing on October 18, 2010, protesting the denial of her application for Medical Assistance (MA).

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by T itle 42 of the C ode of Federal Regulations (CFR). The Department of Human Servic es (DHS or Department) adm inisters the MA program pursuant to MCL 400.10, et s eq., and MCL 400.105. Department policies are found in the Bridges Administ rative Manual (BAM), the Bridges Eligib ility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determin ing initial and ongoing eligibility. This includes the completi on of necessary forms. BAM 105. Verific ation means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Ve rification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is r equired by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calend ar days to provide the veri fications requested by the Department. BAM 130. The Department shoul d send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reas onable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

According to Bridges Policy Bulletin (BPB) 2010-006, Medical As sistance (MA) must be opened for individuals claiming U.S. citizenship if they meet all of the other eligibility criteria. As a result of this policy, the Department can no longer pend an application for Medical Assistance (MA) due to citizens hip or ID v erification if all other eligibility requirements are met, and Brid ges will open Medical Assist ance (MA). Although this policy c hange went into effect March 1, 2010, the Department must remedy any applications for Medical Assist ance (MA) that were denied due to lack of citizenship or ID verification back to January 1, 2010. F urther, any administrative hearings that are pending due to lack of verification of citizenship or ID should be reviewed to determine if the client claimed to be a U. S. citizen. If so, the new policy on citizens hip and ID applies, and a withdrawal of the hearing should be pursued. L-letter 10-027.

In this case, the Department denied the Cla imant's application for Medical Assistance (MA) on the basis that she failed to prov ide photo identificatio n as requested on the Department's Verification Checklist form. The Claimant claimed to be a US citizen at the time she applied for Medical Assistan ce (MA) benefits, and her administrative hearing on the denial of her Medical Assistance (MA) applicat ion due to failure to provide identification verification was pending at the time the new c itizenship and ID policy was in effect. L letter 10-027 doe s not provide an Medical Assis tance (MA) application deadline for pending ad ministrative hearing requests regarding the denial of Medical Assistance (MA) applic ations due to la ck of citizenship or ID verification Therefore, the Department mu st comply with the applicable Departmental policy and continue processing Cla imant's Medical Assistance (MA) application dated January 28, 2010.

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department must process Claimant's Medical Assist ance (MA) application dated January 28, 2010, pursuant to the applicable Medical Assistance (MA) policy on citizenship/ID that went into effect March 1, 2010.

Accordingly, the Department's denial of the Claimant's application for Medical Assistance (MA) is REVERSED. It is further ORDERED that the Department shall:

- 1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) as of her application date of January 28, 2010.
- 2. Provide the Claimant wit h written notification of the Department's revised eligibility determination.
- 3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

Kevin

Scully Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: <u>March 31, 2011</u>

Date Mailed: <u>March 31, 2011</u>

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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.

KS/vc

CC:		