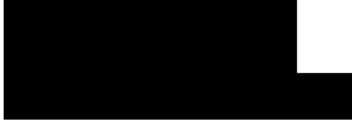


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2011761
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 12, 2011
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Robert Chavez

HEARING DECISION

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, a telephone hearing was held on January 12, 2011.

ISSUE

Was the claimant's MA application properly denied for a failure to return verifications?

FINDINGS OF FACT

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

1. Claimant applied for MA-P and SDA in Oakland County on September 1, 2009.
2. Claimant was mailed two verification checklists, DHS-3503, on December 1, 2009, requesting verification of identity and other personal information, as well as requesting required documents in order to start the medical disability determination process.
3. These documents were not returned by the due date of December 11, 2009.
4. Claimant received these verification checklists.
5. Claimant did not request an extension or help in returning or securing verifications.

6. Claimant's MA-P and SDA application was denied on December 17, 2009.
7. Claimant returned the required documents on December 28, 2009.
8. On December 28, 2009, claimant requested 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 (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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130.

After consideration of the case, the undersigned has determined that the claimant has not met their burden of proof in showing that they returned the required verifications.

There is no dispute that the claimant received all verification checklists. Furthermore, the verification checklist needed personal verifications, as well as verifications necessary to start the medical review process.

There is no evidence that claimant requested assistance or extensions in returning the verifications; in fact claimant and the witness who testified as to being the person assisting claimant with this application testified that no extension had been requested.

Furthermore, the evidence in the record shows that the verifications in question were returned on December 28, 2009. This was after the negative action date. Claimant's witness, who testified as to being the person who faxed in these verifications, testified that these verifications were faxed to the Department on December 28, 2009.

Therefore, as the verifications were turned into the Department after their due date, and indeed, after the negative action date, and there is no evidence claimant requested extensions for these verifications requests, the undersigned must rule that the

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Department properly denied claimant's MA-P and SDA application, as it was unable to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA-P and SDA application was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, **AFFIRMED**.



Robert Chavez
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/10/2011

Date Mailed: 2/10/2011

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.

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