

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-7899
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 7, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 7, 2011. [REDACTED] of [REDACTED]. [REDACTED] appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED] Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's MA benefit application dated 12/04/09 due to a failure to timely verify information.

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 12/4/09, Claimant's authorized representative (AR), [REDACTED], submitted an Assistance Application to DHS requesting MA benefits including retroactive MA benefits to 11/2009.
2. On 7/17/10, DHS mailed to [REDACTED] a Verification Checklist (Exhibit 4) requesting various documents including proof of Claimant's disability, proof of medical expenses and insurance and a statement of Claimant's vehicle's value.
3. The due date on the checklist was 7/27/10.

4. On 7/27/10, [REDACTED] faxed a letter (Exhibit 2) to DHS which stated in part that Claimant was expected to send DHS the needed documents by the end of the day.
5. The letter from [REDACTED] to DHS dated 7/27/10 also stated "If you have not received [REDACTED] verifications or additional information is needed please contact me as soon as possible so that I can follow up with [REDACTED]."
6. The letter went on to state, "If for some reason you need additional information or I have misunderstood your request, please notify me as quickly as possible and grant me an extension so that I may provide the needed information."
7. DHS did not receive any of the needed verifications from Claimant.
8. DHS did not contact [REDACTED] after not receiving the documents.
9. On 8/14/10, DHS mailed [REDACTED] a Notice of Case Action (Exhibit 5) notifying Claimant's representative of the denial of MA benefits due to a failure to submit needed verifications.
10. On 11/12/10, [REDACTED] requested a hearing disputing the denial of MA benefits.

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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

An authorized representative (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his/her behalf. BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id.*

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. DHS is to obtain verification when required by policy. *Id.* The client must obtain required verification, but DHS must assist if they need and request help. *Id.* at 3.

Claimant's AR/AHR contended that the letter (Exhibit 2) faxed to DHS on 7/27/10 was akin to a request for help and obligated DHS to inform Claimant's AR/AHR whether DHS received Claimant's verifications. [REDACTED] established that DHS received the document by presenting a fax transmission report (Exhibit 1). The issue in the present case is whether DHS was obligated to inform Claimant's AR/AHR of the failure by Claimant to submit necessary verifications based on Claimant's AR/AHR's request for such a communication. The undersigned is not inclined to find that DHS was so obligated.

The DHS obligation to assist clients only applies to obtaining verifications. DHS regulations do not require DHS to inform a Claimant's AR that a client failed to submit documents.

It bears emphasis that [REDACTED] did not claim that the verifications were timely submitted to DHS. Based on Exhibit 2, [REDACTED] expected Claimant to submit verifications to DHS by 7/27/10. DHS testified that neither [REDACTED] nor Claimant had submitted necessary verifications by the denial date of 8/14/10. [REDACTED] did not allege that they submitted the documents and Claimant did not participate in the hearing to provide his own explanation.

Also, there was no evidence that [REDACTED] made any attempts to contact Claimant as to whether he submitted documents as promised; this failure strikes the undersigned as a somewhat negligent failure by Claimant's AR, not DHS. Had [REDACTED] made such a contact, it is reasonable to believe that they might have learned that Claimant failed to submit the requested verifications. It is found that DHS is not required to contact a client or AR to inform them that necessary verifications were not received.

For MA benefits, DHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide requested verification. BAM 130 at 4. If the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. *Id.*

[REDACTED] also contended that DHS failed to give an extension as required by DHS regulations. DHS waited until 8/14/10 to deny Claimant's application after the [REDACTED] request for extension on 7/27/10. [REDACTED] cannot reasonably claim that DHS failed to provide an extension when DHS waited 18 days after the [REDACTED] extension request before denying Claimant's application.

If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is directed to use the best available information. BAM 130 at 3. If no evidence is available, DHS is to use best judgment. *Id.*

█ also contended that DHS could have used the best available information in lieu of receiving verifications. The █ cited DHS regulation is applicable when a reasonable effort has been made to obtain the verifications; in the present case, █ made less than a reasonable effort. The above stated policy is appropriate when certain verifications may be difficult to obtain and is not meant to excuse negligence in submitting documents. The undersigned rejects the █ contention that DHS should have made an MA determination without receiving any of the requested documents.

DHS is to send a negative action notice when the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.* at 4. In the present case, DHS waited the time period given, then 18 days longer based on the █ request for extension before denying Claimant's MA benefits. Neither Claimant nor █ made a reasonable effort in providing the documents. It is found that DHS properly denied Claimant's application for MA benefits based on the failure by Claimant and Claimant's AR to timely submit documents.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefits. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
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.

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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.

CG/jlg

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