

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.: 2011-9401
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 17, 2011
Wayne County DHS (15)

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 17, 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, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits dated 12/29/09 (with retroactive benefits back to 9/2009) due to Claimant's alleged failure to 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. Claimant applied for MA benefits on 12/29/09 and requested MA benefits back to 9/2009.
2. On 3/15/10, DHS mailed a Verification Checklist requesting unspecified information relating to Claimant's eligibility for MA benefits.
3. On an unspecified date, DHS denied Claimant's application for MA benefits due to an alleged failure to return the requested verifications.
4. On 11/22/10, Claimant's AHR requested a hearing disputing the denial of MA benefits.

5. DHS now concedes that Claimant did not fail to return requested verifications.

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.

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at 1. Verification is usually required at application or redetermination. *Id.*

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.* 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 initially contended that Claimant or Claimant's authorized representative (AR) failed to submit necessary verifications and that Claimant's MA benefits were appropriately denied. During the hearing, DHS discovered that they possessed the requested verifications. Following this discovery, DHS conceded that the denial of Claimant's MA benefits based on a failure to verify information must have been improper. Accordingly, it is found that DHS improperly denied Claimant's application dated 12/29/09 requesting MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 12/29/09 for MA benefits. It is ordered that DHS determine Claimant's eligibility for MA benefits (including

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requested retroactive MA to 9/2009) in accordance with their regulations. The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/23/2011

Date Mailed: 2/23/2011

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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