

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.: 2011-16812
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 24, 2011
Wayne County DHS (82)

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 24, 2011. [REDACTED] appeared and testified as Claimant's Authorized Hearing Representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED] Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 11/1/10 requesting Medical Assistance (MA) benefits due to Claimant's failure to return asset 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 11/1/10.
2. Claimant's application listed [REDACTED] as Claimant's Authorized Representative. (AR).
3. On 12/15/10, DHS mailed Claimant's AR a checklist (Exhibit 1) requesting bank statements for Claimant.
4. The due date to return the bank statements was 12/27/10.
5. On an unspecified date, Claimant's AR called DHS to report that Claimant moved out from the nursing facility at which Claimant's AR was employed

and that Claimant's AR had no way of contacting Claimant other than a phone number which was given to DHS.

6. DHS attempted to contact Claimant with the reported phone number but was not successful.
7. Claimant's AR failed to submit bank statements to DHS.
8. On 1/4/11, DHS mailed Claimant's AR a Notice of Case Action denying Claimant's MA benefits due to the failure to verify assets.

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 behalf (e.g., to obtain FAP benefits for the group). BAM 110 at 7. The AR assumes all the responsibilities of a client. *Id.*

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, clients are given 10 calendar days to provide requested verification. If the client cannot provide the verification despite a reasonable effort, the time limit can be extended up to three times. *Id.* at 6. DHS must assist with obtaining verifications if a client requests and needs help.

Clients must verify the value of countable assets for MA requests. BEM 400 at 34. Savings and checking accounts are an asset for purposes of MA eligibility. *Id.* at 2.

The only argument presented by Claimant's AR was that Claimant moved out of the nursing home at which the AR was employed and Claimant's AR could not locate Claimant so that the DHS request for assets could be met. The AR assumed the reporting responsibilities of Claimant by being listed as an AR on Claimant's MA benefit application. The AR failed in this responsibility after losing track of Claimant's whereabouts. Whether the AR was at fault for losing track of Claimant is irrelevant; it was still the AR's responsibility to report and verify information on behalf of Claimant.

The undersigned considered the possibility that Claimant's AR made a quasi-request for an extension on the verification due date by contacting DHS in late 12/2010 to report that Claimant could not be located. The sole purpose of the AR's phone call was to provide DHS with a telephone number that might have led to discovering Claimant's whereabouts. The testimony of Claimant's AR and DHS clearly showed that the AR's intent was not to request an extension on the due date to verify asset information. There was no point for the AR in requesting an extension because she did not where Claimant was. DHS attempted to contact Claimant at the phone number provided by the AR but was not successful. It is found that Claimant's AR did not request an extension on the due date to verify asset information.

DHS established properly requesting required verification and giving Claimant's AR appropriate time to return the verification. DHS even went above and beyond their requirements by trying to locate Claimant for Claimant's AR. It was not disputed that asset verification was not submitted to DHS and that DHS properly mailed Claimant's AR notice of the denial based on the failure to timely verify checking accounts information. It is found that DHS properly denied Claimant's application for MA benefits due to the failure to verify asset information.

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 benefit application dated 11/1/10 based on a failure to verify checking account information. The actions taken by DHS are AFFIRMED.



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

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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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