

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-18823  
Issue No: 2006

[REDACTED]

[REDACTED]

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on May 18, 2011. The claimant is deceased, but his wife, while not present, was represented by [REDACTED].

**ISSUE**

Did the department properly deny the claimant's Medical Assistance (MA) application for failure to return the required verifications?

**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 claimant submitted an application for MA benefits on August 24, 2010.
2. The claimant was mailed a Verification Checklist (DHS-3503) on August 28, 2010, requesting verification of [REDACTED] checking accounts. The proofs were due to the department by September 7, 2010. (Department Exhibit 20)
3. The claimant was mailed a Verification Checklist (DHS-3503) on September 13, 2010, requesting verification of [REDACTED] checking account. The proofs were due to the department by September 23, 2010. (Department Exhibit 23)

4. After several extensions were granted, the department denied the application on October 12, 2010 for failure to provide verifications. (Department Exhibit 35 – 36)
5. The claimant's representative submitted a hearing request on December 17, 2010.

### **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 Program Reference Manual (PRM).

Department policy states:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate**

###### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.**

##### **Refusal to Cooperate Penalties**

###### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

##### **Verifications**

###### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

##### **Assisting the Client**

### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

### **Obtaining Verification**

#### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see "**Timeliness Standards**" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

### **Timeliness Standards**

#### **All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

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. BAM, Item 130, p. 4.

In this case, the representative is disputing the denial of claimant's MA application for failure to submit the required verifications. A Verification Checklist was mailed to the client/representative on August 28, 2010, requesting verification of [REDACTED]

██████████ checking accounts. The proofs were due to the department by September 7, 2010. Verification of ██████████ assets were provided, but no verification of a checking account for Mrs. Barnett was provided. On September 13, 2010, a second Verification Checklist was mailed to the client/representative requesting proof of ██████████ checking account by September 23, 2010. On September 16, 2010, the case worker informed the representative that she needed verification of ██████████ checking account. The claimant's representative was granted several extensions to provide the requested material. On October 11, 2010, the representative submitted documentation from the Social Security Administration that showed ██████████ social security checks were deposited into an account at Comerica, but Comerica denied any accounts in her name. On an October 11, 2010 correspondence, the client's representative indicated that Mrs. Barnett denied having any account at ██████████ and requested assistance from the department in locating the account. (See Exhibits 7 – 10, 40).

Claimants are required to comply with the local office to allow the department to determine initial or ongoing eligibility. BAM 105. The department informs the client what verification is required, how to obtain it, and the due date by using the Verification Checklist form (DHS-3503). BAM 130. Clients are provided ten days to return the verifications, but can request an extension of time to provide the verifications. BAM 130. If the time period to provide the verifications elapses and the verifications have not been provided, the department is directed to send a negative action notice. BAM 130.

The representative admits that he received the Verification Checklist (DHS-3503). It is not disputed that the claimant's representative requested and received several extensions to provide the documentation. There were discrepancies in the account information that the claimant's representative was unable to resolve, which resulted in the claimant's representative being unable to produce the necessary verification. This, in turn, resulted in the department's denial of the MA application.

The Social Security Administration provided information indicating that ██████████ social security income was deposited into a checking account at ██████████. However, ██████████ provided information indicating that there were no accounts in their bank for the claimant. This discrepancy caused the representative to request assistance from the department in obtaining the verification requested. However, the department would not have any additional information on where the client has an account. The only person who would have the knowledge and/or documentation necessary to find the account is the client. Thus, the client's representative can not place the burden on the department to find some unknown account. This is solely within the responsibility of the client.

Thus, when the client did not provide the requested verifications after several extensions were granted, the department had no choice but to deny the application. This was done in accordance with department policy.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's MA application for failure to turn in the required verifications.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/S/

\_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 6/7/11

Date Mailed: 6/7/11

**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.

SM/ds

