

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:

[REDACTED]

Reg. No.: 20111909  
Issue No.: 2006  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: November 4, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on November 4, 2010. The Claimant's son, and authorized hearings representative, [REDACTED], appeared and testified. [REDACTED], ES and [REDACTED] appeared on behalf of the Department.

**ISSUE**

Was the Department correct in determining Claimant's MA eligibility?

**FINDINGS OF FACT**

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

- (1) Claimant applied for Medicaid on May 28, 2010.
- (2) A verification checklist was sent to Claimant on June 17, 2010 with a June 28, 2010 due date.
- (3) The Department denied Claimant's Medicaid application on July 1, 2010 for failing to return verifications.

- (4) Claimant's son, [REDACTED], who is also her power of attorney and was listed on the application as her representative was not sent the verification checklist.
- (5) Claimant requested a hearing on August 17, 2010 contesting the denial of her Medicaid application.

### 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 Program Reference Manual (PRM). The Medical Assistance program was designed to assist needy persons with medical expenses.


Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Obtain verification when: • Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. BAM 130.

In the present case, Claimant's Authorized Hearings Representative, [REDACTED], testified that he listed himself as the Claimant representative and provided his address on the application. The verification checklist was not sent to [REDACTED], instead it was sent to the nursing home where the Claimant resides. [REDACTED] credibly testified that he did not receive the checklist until the day after the due date. The notice provided to the Claimant's authorized hearings representative was inadequate. BAM 130.

This Administrative Law Judge cannot find that Claimant refused to cooperate or failed to make a reasonable effort. Therefore the denial of Claimant's MA application for failing to provide verifications was improper and incorrect.

DECISION AND ORDER

Therefore it is ORDERED that the Department decision to deny Claimant's MA application for failing to return verifications is REVERSED. Claimant's application for MA shall be reinstated and reprocessed going back to the date of application.

  
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Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 8, 2010

Date Mailed: November 8, 2010

**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.

AM/hw

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