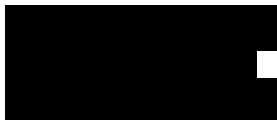


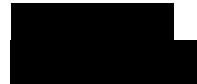
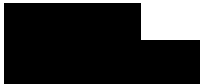
STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-21311

Issue No: 2006



Shiawassee 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 [REDACTED]. The claimant appeared and provided testimony and 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 June 28, 2010. (Department Exhibit 1)
2. The claimant was mailed a Verification Checklist (DHS-3503) on August 11, 2010, requiring submission of verification of savings/checking accounts for Penny. (Department Exhibit 5)
3. No verifications were submitted and on September 8, 2010, the department mailed the claimant a Notice of Case Action (DHS-1605) that indicated the MA application had been denied. (Department Exhibit 8)
4. The claimant submitted a hearing request on February 18, 2011.

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.

The preliminary issue that must be addressed is timeliness of the hearing request. The claimant’s representative indicates that [REDACTED] never received the Notice of Case Action, so the time limits should be tolled. The department originally testified and provided documentation to show that [REDACTED] was mailed a copy of the notice as the client’s representative. However, after the hearing and upon further investigating, the department indicated that it is possible that the client’s representative did not receive the Notice of Case Action. Although [REDACTED] was properly entered into the computer system as the client’s representative, there was a glitch with the computer system at the time that could have prevented the notice from being mailed to the representative. Therefore, the department submitted an additional statement that indicated it is possible [REDACTED] did not properly receive notice. Therefore, this Administrative Law Judge will proceed to the substantive issue in this case and find the time limits tolled.

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 claimant's representative indicates that they did not receive the Verification Checklist that was mailed to the claimant on August 11, 2010. However, the department did provide a copy of the fax cover sheet addressed to [REDACTED] (with the subject being [REDACTED]) and also the fax confirmation sheet, showing it was faxed to [REDACTED]. While the claimant's representative testified that he did not receive the fax, it is clear from the documentation that the department did properly fax it to the [REDACTED]. The Verification Checklist was also properly addressed to the claimant's home address. No extensions were requested and no action was taken to deny the case for nearly one month. This was ample time for the claimant or his representative to provide the required information or to request an extension of time to provide the information.

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: 5/23/11

Date Mailed: 5/23/11

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

■ [REDACTED]