

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-22916

[REDACTED]

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 16, 2011. The Claimant appeared and testified along with his mother [REDACTED]. The Department was represented by [REDACTED]

ISSUE

Was the Department correct in denying Claimant's MA and SDA applications?

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 MA-P and SDA on December 1, 2010.
2. A verification checklist was sent to and hand delivered to Claimant on February 1, 2011 with a February 11, 2011 due date requesting medical records and other documents.
3. Claimant's application was denied on February 15, 2011 because documents requested in the verification checklist were not received.
4. Claimant filed a request for hearing on February 19, 2011 regarding the MA and SDA denials.
5. A telephone hearing was held on August 16, 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 (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).

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. Before making an eligibility determination, however, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant's mother testified that she submitted medical documentation and other requested documents prior to the deadline on the verification checklist. Claimant's mother could not recall the specific date that documents were submitted other than it was a Wednesday and it was a short time after the checklist was issued. Claimant's mother disputed whether a subsequent application was filed in March 2011. The Department workers testified that documents were not received prior to the deadline and that it why the applications were denied. This Administrative Law Judge finds the testimony of the Department worker's more credible. Therefore the Department was correct to deny Claimant's applications because requested verifications were not received prior to the deadline on the verification checklist. BAM 130

The Department testified that a new application was filed in March 2011 and that medical records were submitted and that the subsequent application was recently denied by the Medical Review Team. Claimant was advised to appeal that determination if he disagreed with the determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct in denying Claimant's applications for the MA and SDA programs.

Accordingly, the Department's decision in the above stated matter is, hereby, **AFFIRMED**.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 8/22/11

Date Mailed: 8/22/11

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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/ds



