

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]

Reg. No: 201124172
Issue No: 2006
Case No: [REDACTED]

Hearing Date:
June 8, 2011
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 3, 2011. After due notice, a telephone hearing was held on Wednesday, March 3, 2011. The Claimant participated in her hearing, and was represented by her Authorized Hearing Representative (AHR) from the office of [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (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. On October 29, 2010, the Department received a Filing Form requesting Medical Assistance (MA) from the Claimant's representative. The Claimant requested Medical Assistance (MA) for her daughter.
2. On November 4, 2010, the Department sent the Claimant and her Representative a Verification Checklist with a due date of November 15, 2010.
3. The Claimant's representative requested three extensions to the due date and the final due date to reply to the Verification Checklist was December 15, 2010.
4. On December 16, 2010, the Department had not received a completed application for assistance from the Claimant or her representative, and it notified the Claimant that her request for Medical Assistance (MA) had been denied for failure to provide information necessary to determine eligibility.

5. The Department received the Claimant's request for a hearing on March 3, 2011, protesting the denial of Medical Assistance (MA).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit three times if the client cannot provide the verification despite a reasonable effort. BAM 130.

In this case, the Department received a Filing Form requesting Medical Assistance (MA) from the Claimant's representative. The Claimant requested Medical Assistance (MA) for her daughter. On November 4, 2010, the Department sent the Claimant and her Representative a Verification Checklist with a due date of November 15, 2010. The Claimant's representative requested three extensions to the due date, and the final due date to reply to the Verification Checklist was December 15, 2010. On December 16, 2010, the Department had not received a completed application for assistance from the Claimant or her representative, and it notified the Claimant that her request for Medical Assistance (MA) had been denied for failure to provide information necessary to determine eligibility.

The Department's notice of case action included notice to the Claimant that she was considered to be non-cooperative with the Office of Child Support. Although the Claimant may dispute the Department's determination, her status with the Office of Child Support is not relevant to her daughter eligibility for Medical Assistance (MA).

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's request for Medical Assistance (MA) for failure to provide information necessary to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 10, 2011

Date Mailed: June 13, 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 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.

KS/tg

cc:



