

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

IN THE MATTER OF:



Reg. No: 201127161

Issue No: 2006



Hearing Date:

June 27, 2011

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on June 27, 2011.

ISSUE

Was the claimant's MA application properly denied for a failure to return 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) Claimant applied MA assistance in Saginaw County.
- (2) Claimant was sent a verification checklist on June 18, 2010, with a due date of June 28, 2010.

- (3) This verification form requested, among other things, verification of income.
- (4) Claimant received this checklist.
- (5) Claimant was unable to return the verification of income until June 30, 2010.
- (6) Claimant requested an extension on June 25, 2010.
- (7) Because claimant did not return verifications of income, the application for assistance was denied on June 29, 2010.
- (8) Claimant requested a hearing on July 1, 2010.
- (9) On June 27, 2011, a hearing was held at the Department of Human Services office in Saginaw County, Michigan.
- (10) Claimant was represented by his [REDACTED].

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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be

obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. A change in income that could increase benefits must be verified. BEM 500. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130.

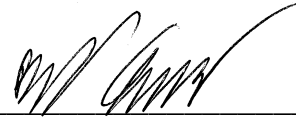
Claimant applied for benefits on June 7, 2010. A verification checklist was sent shortly after, and, as the record shows, subsequently revised through conversations with claimant's representative and the caseworker. By June 28, 2011, all that remained to be submitted was a verification of claimant's income. Claimant was unable to return this verification until June 30, 2010. While this would normally result in a denied application, claimant's representative testified under oath that on June 25, 2011, claimant requested an extension in order to have more time to get the required verification. The Department did not rebut or deny this testimony, or provide any evidence to refute claimant's allegations. As this testimony has not been rebutted, the undersigned holds that the testimony is credible, and therefore holds that an extension should have been granted. The Department was incorrect when it denied claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA application was incorrect.

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

The Department is ORDERED to process the MA application of June 7, 2010.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 07/06/11

Date Mailed: 07/07/11

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.

RJC/dj

cc:

