

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

IN THE MATTER OF:

[REDACTED]

Reg No: 201131044
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: May 26, 2011
DHS County: Wayne County-82

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 May 26, 2011. The Claimant appeared and testified along with her Authorized Hearings Representatives [REDACTED] and [REDACTED]. [REDACTED] FIM appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct to deny Claimant's MA application for failing 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 for MA on [REDACTED].
- (2) A verification checklist was sent to Claimant on [REDACTED] with a [REDACTED] due date.
- (3) Claimant submitted the requested verifications on [REDACTED]. Claimant provided copies of the verifications with "Wayne County DHS Adult Medical" date stamps for that date.
- (4) Claimant failed to provide the requested verifications and her application was denied on [REDACTED].

- (5) On [REDACTED] notice of case action was sent to Claimant informing her that her application was denied.
- (6) Claimant did not receive the notice of case action.
- (7) Claimant requested hearing on [REDACTED] contesting the denial of her MA 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).

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.

In the present case, Claimant's Authorized Representatives provided adequate proof that verifications were submitted prior to the deadline. The documents were date stamped with "Wayne County DHS Adult Medical" with [REDACTED], prior to the deadline. The Department was incorrect in denying Claimant's application because verifications were not received. Issues were raised with regard to the timeliness of Claimant's request for hearing, Claimant's representative credibly testified that the notice of case action was not received, therefore the request for hearing was timely.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of Claimant's MA application, and it is ORDERED that the Department's decision is

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hereby REVERSED. Claimant's MA application shall be reinstated and reprocessed going back to the date of application

/s/ _____
Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 8, 2011

Date Mailed: June 8, 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.

cc:

[REDACTED]