

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36775
Issue No.: 2013
Case No.: [REDACTED]
Hearing Date: July 28, 2011
DHS County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

AMENDED HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice, an in person hearing was held in Detroit, Michigan on July 28, 2011. The claimant was represented by his authorized representative (AR), [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. On January 19, 2011, the claimant applied for MA.
2. On April 2, 2011, the Department sent the claimant a verification checklist requesting various pieces of information including income from Social Security (SSA).
3. On April 19, 2011, the Department denied the claimant's MA because it could not obtain non-conflicting information from SSA.
4. On June 2, 2011, the claimant filed a request for a hearing.

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 Bridges Reference Manual (BRM).

In the instant case, the Department received conflicting information from its own computer program and from SSA.

The client must obtain required verification, but you must assist if they need and request help.


If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (BAM 130, p. 1).

Here, the evidence was contradictory. The Department testified that because it could not get non-conflicting data from SSA, it denied the claimant's application. This Administrative Law Judge finds that "the best available information" emanated from the SSA agency itself.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to accept the documentation provided by the United States Social Security Administration.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 15, 2011

Date Mailed: August 15, 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 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.

MJB/cl

cc:

