

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20113989
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 2, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 2, 2011. The Claimant's Authorized Representative [REDACTED], through [REDACTED], appeared and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's MA case 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 benefits on April 29, 2010.
- (2) A verification checklist was sent to Claimant on June 9, 2010 with a June 21, 2010 due date.
- (3) Claimant submitted verifications on June 18, 2010, and requested an extension.

- (4) Claimant submitted additional verifications on July 22, 2010 including a statement from the Claimant regarding her worker's compensation settlement, and again requested an extension.
- (5) Claimant's case was denied on July 23, 2010 for failing to return verifications.
- (6) Claimant requested a hearing on October 14, 2010 contesting the denial of her Medicaid 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). The Medical Assistance program was designed to assist needy persons with medical expenses.

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 representative provided adequate proof that all requested verifications were submitted prior to the deadline. The statement Claimant submitted regarding the worker's compensation settlement is sufficiently cooperative. This Administrative Law Judge finds that Claimant was sufficiently cooperative. Therefore, the Department was incorrect to deny Claimant's application for failing to return verifications. BAM 130.

An issue was raised in the hearing summary by the Department regarding the timeliness of the request for hearing. Claimant requested hearing on October 14, 2010, within 90 days of the July 23, 2010 denial so the request is timely. BAM 600.

DECISION AND ORDER

Therefore, based on the forgoing findings of fact and conclusions of law, it is ORDERED that the Department decision to deny Claimant's MA case for failing to return verifications is REVERSED. Claimant's case shall be reinstated and reprocessed going back to the date of application.



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

Date Signed: February 17, 2011

Date Mailed: February 17, 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.

AM/hw

cc:

