

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-4203
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: January 19, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, January 19, 2011. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for public assistance seeking Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefits?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA-P and SDA benefits on June 8, 2010.
2. The Claimant completed and submitted the requested verifications, to include some medical records, but failed to submit a completed DHS-49.
3. On October 6, 2010, the Department sent a Notice of Case Action informing the Claimant that his application was denied based on the failure to submit the completed DHS-49.
4. October 11, 2010, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services (“DHS”), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.*

In establishing medical eligibility, medical evidence provided by the client is reviewed by the Medical Review Team (“MRT”) and a physician. BAM 815 If the client was seen by a physician, has gone to a clinic within the last 6 months, or has been hospitalized within the past 12 months, a Authorization to Release Protected Health Information (DHS-1555) is completed and then the department requests the existing medical records. BAM 815 If the client has no current medical sources, a consultative examination is scheduled. BAM 815 All medical evidence is forwarded to the medical contact person who in turn will forward the packet to the MRT. BAM 815 If additional medical evidence is required, the MRT will defer the disability determination and will authorize what specific evidence is needed. BAM 815

In this case, the Department denied the Claimant’s MA-P application based on the Claimant’s failure to submit a completed Medical Examination Report (DHS-49). The Claimant did submit some medical records and the other requested documentation. As detailed in BAM 815, if the client is seen by a physician in the last six months, as was the case here, the Claimant is to sign the DHS-1555 and the Department is to request the existing medical records. This was not done. In addition, MRT does not necessarily require the DHS-49 in order to make a determination, nor is it required by policy. In light of the foregoing, the Department’s denial of the MA-P/SDA application is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the denial of the Claimant's MA-P/SDA application is not upheld.

Accordingly, it is ORDERED:

1. The Department's denial of the MA-P/SDA application is not upheld.
2. The Department shall re-register and process the Claimant's June 8, 2010 application in accordance with department policy.
3. The Department shall notify the Claimant of the determination in accordance with department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/20/2011

Date Mailed: 1/20/2011

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.

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cc:

