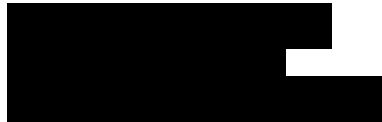


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 2011-42186
Issue No. 2006
Case No. [REDACTED]
Hearing Date: August 10, 2011
Monroe County DHS

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 hearing was held in Monroe, Michigan on Wednesday, August 10, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED] [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance ("MA-P") benefits for failure to timely submit requested 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. On October 29, 2010, the Department received an application for public assistance seeking MA-P benefits, retroactive to July 2010, from the Authorized Representative ("AR") on behalf of the Claimant.
2. On December 18, 2010, the Department provided the Claimant with a Verification Checklist requesting the verifications be submitted by December 28, 2011. (Exhibit 1)

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3. On this same date, the Department sent an email to the Claimant's AR requesting the same information contained in the Verification Checklist received by the Claimant. (Exhibit 3)
4. The Department did not send a Verification Checklist (DHS-3503) to the AR.
5. The Department did not receive the requested verifications.
6. On January 22, 2011, the Department denied the Claimant's application based on the failure to submit the requested information. (Exhibit 2)
7. On March 18, 2011, the Department notified the AR that the Claimant's application was denied.
8. On June 8, 2011, the Department received the Claimant's written request for hearing. (Exhibit 4)

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department 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 Tables ("RFT").

Any person, regardless of age, or his authorized representative, may apply for assistance. BAM 110. An AR is a person who applies for assistance on behalf of the client and/or otherwise acts of his/her behalf. BAM 110. An AR assumes all responsibilities of the client. BAM 110. For MA purposes, an AR must be designated in writing by the client. BAM 110

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Assets must be considered in determining MA eligibility. BEM 400. Assets are cash and any other personal and/or real property. BEM 400. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. A DHS-3503 is used to request the verification(s). BAM 130. Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130. Verifications are considered timely if received by the due date. BAM 130

In this case, the basic facts are not disputed. On December 18th, the Department instructed the Claimant via the DHS-3503, to submit her bank account information for

the period of July through October 2010 by December 28, 2010. The Department did not send the DHS-3503 to the AR but instead, emailed the request to the AR. Both the Department and the AR testified unequivocally that, despite BAM 130, emailing was the acceptable and ongoing practice for requesting verifications. Further, there was no dispute that the email was received by the AR. The intent behind the Department's policy requiring the mailing of notices is to ensure the parties' receipt of notices. The AR may not demand a strict interpretation of policy to obscure its failure to comply with a notice that it did in fact receive. Although the Department did not act in accordance with Department policy when it emailed the verification request, in light of the testimony and ongoing practice, this error is harmless.

The AR indicated that the employee who received the email verification request was no longer employed. The Claimant testified credibly that she had informed the AR that her bank account had been closed; however, this information was never supplied to the Department. Pursuant to BAM 110, the AR assumes all responsibilities of the client to include providing requested verifications. Furthermore, the record established that there was no communication with the Department from either the Claimant or the AR from the point the verification requests were sent through the January 22, 2011 denial. Ultimately, the Department established that it acted in accordance with Department policy when it denied the Claimant's application for failure to submit the requested verifications that were necessary to determine eligibility. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's denial of the October 29, 2010 application is AFFIRMED.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



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

Date Signed: August 16, 2011

Date Mailed: August 16, 2011

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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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