

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-44389
Issue No. 2009
Case No. [REDACTED]
Hearing Date: September 7, 2011
Macomb County DHS (12)

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 Clinton Township, Michigan on Wednesday, September 07, 2011. The Claimant did not appear however his Authorized Hearing Representative, [REDACTED] appeared and testified. [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") 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 benefits based on having minor children in the home on May 27, 2009. (Exhibit 1)
2. On this same date, the Department denied the Claimant's application based on conflicting information regarding where the children resided.
3. The Authorized Representative did not receive a Verification Checklist or Eligibility Notification.

4. On November 13, 2009, the Department received a timely written request for hearing.

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 DHS 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”).

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. Clients 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. Before determining eligibility, clients are given a reasonable opportunity to resolve any discrepancy between statements made and information from another source. BAM 130.

In this case, on May 27, 2009, the Claimant submitted an application for MA benefits. The Claimant indicated his girlfriend and minor children resided in his home. Reportedly, the girlfriend denied that she, or the children, lived with the Claimant. The Claimant was not afforded an opportunity to resolve the conflicting information as provided for in BAM 130. Instead, the application was denied the same day it was submitted. In light of the foregoing, it is found that the Department’s denial is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s actions are not upheld.
2. The Department shall re-register and initiate processing of the Claimant’s May 27, 2009 application in accordance with Department policy.
3. The Department shall notify the Claimant and his Authorized Hearing Representative of the determination in accordance with Department policy.

2011-44389/CMM

4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: September 9, 2011

Date Mailed: September 9, 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.

CMM/cl

cc:

