

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.: 2011-5560
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 13, 2011
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 held on January 13, 2011. The claimant was represented by her Authorized Representative (AR) the [REDACTED] ([REDACTED])

ISSUE

Did the Department properly deny the claimant's application for Medical Assistance (MA) and retroactive MA?

FINDINGS OF FACT

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

1. On April 27, 2010, the claimant applied for MA and retroactive MA.
2. On May 5, 2010, the department sent the claimant a verification checklist requesting various pieces of information.
3. On May 21, 2010, the department denied the claimant's applications.
4. On June 4, 2010, the claimant's AR filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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

20115560/MJB

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 department denied the applications for lack of income verification.

Non-Child Support Income

Using Past Income

Use past income to prospect income for the future unless changes are expected:

Use income from the **past 30 days** if it appears to accurately reflect what is expected to be received in the benefit month.

The 30-day period used can begin up to 30 days before the interview date or the date the information was requested. (BEM 505, p.4).

In the instant case, the claimant provided income information covering the period of January 3, 2010, through April 11, 2010, a period of ninety-eight (98) days. In fact the documentation included income information through April 16, 2010, according to hearing testimony. The department refused to accept this documentation because it wanted the “last” thirty (30) days of income. The only period missing in this equation was the period of April 17, 2010 through April 27, 2010, the application date.

However, policy also dictates that the department is to use the best information available.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. (BAM 130, p.3).

Here, the department had more than adequate verification with which to make its determination based on “the best available information.”

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reregister and process the claimant's April 27, 2010, MA and retroactive MA applications utilizing the income information already provided.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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.

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