

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

IN THE MATTER OF:



Reg. No: 20116621
Issue No: 2005
Case No: [REDACTED]
Hearing Date: March 10, 2011
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on October 18, 2010. After due notice, a telephone hearing was held on Thursday, March 10, 2011. The Claimant did not participate in the hearing, but was represented by her Authorized Hearing Representative [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

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 Medical Assistance (MA) on January 28, 2010.
2. The Claimant indicated on her application for assistance that she is a U.S. Citizen.
3. On February 12, 2010, the Department sent the Claimant a verification check list with a due date of February 22, 2010. The Department requested that the Claimant provide a copy of her current photo identification.
4. The Department granted three extensions requests on February 22, 2010, March 4, 2010, and June 24, 2010 to the verification checklist due date.

5. On June 24, 2010, the Claimant provided the Department with a jail photo identification printout, which was dated March 14, 2010.
6. On July 30, 2010, the Department notified the Claimant that it had denied her application for Medical Assistance (MA) for failure to provide information necessary to determine her eligibility to receive benefits.
7. The Department received the Claimant's request for a hearing on October 18, 2010, protesting the denial of her application for Medical Assistance (MA).

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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130. The Department should send a negative action notice when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130.

According to Bridges Policy Bulletin (BPB) 2010-006, Medical Assistance (MA) must be opened for individuals claiming U.S. citizenship if they meet all of the other eligibility criteria. As a result of this policy, the Department can no longer pend an application for Medical Assistance (MA) due to citizenship or ID verification if all other eligibility requirements are met, and Bridges will open Medical Assistance (MA). Although this policy change went into effect March 1, 2010, the Department must remedy any applications for Medical Assistance (MA) that were denied due to lack of citizenship or

ID verification back to January 1, 2010. Further, any administrative hearings that are pending due to lack of verification of citizenship or ID should be reviewed to determine if the client claimed to be a U. S. citizen. If so, the new policy on citizenship and ID applies, and a withdrawal of the hearing should be pursued. L-letter 10-027.

In this case, the Department denied the Claimant's application for Medical Assistance (MA) on the basis that she failed to provide photo identification as requested on the Department's Verification Checklist form. The Claimant claimed to be a US citizen at the time she applied for Medical Assistance (MA) benefits, and her administrative hearing on the denial of her Medical Assistance (MA) application due to failure to provide identification verification was pending at the time the new citizenship and ID policy was in effect. L letter 10-027 does not provide an Medical Assistance (MA) application deadline for pending administrative hearing requests regarding the denial of Medical Assistance (MA) applications due to lack of citizenship or ID verification. Therefore, the Department must comply with the applicable Departmental policy and continue processing Claimant's Medical Assistance (MA) application dated January 28, 2010.

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department must process Claimant's Medical Assistance (MA) application dated January 28, 2010, pursuant to the applicable Medical Assistance (MA) policy on citizenship/ID that went into effect March 1, 2010.

Accordingly, the Department's denial of the Claimant's application for Medical Assistance (MA) is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) as of her application date of January 28, 2010.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 31, 2011

Date Mailed: March 31, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/vc

cc:

