

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 20118671
Issue No: 2005
Case No: [REDACTED]

Hearing Date:
May 3, 2011
Genesee 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 November 12, 2010. After due notice, a telephone hearing was held on Tuesday, May 3, 2011. The Claimant was represented during the hearing by her Authorized Hearings Representative (AHR) from [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. On July 23, 2010, the Claimant's representative submitted an application for Medical Assistance (MA) and retroactive Medical Assistance (MA) on her behalf.
2. The Claimant indicated on her application for assistance that she is a U.S. Citizen and a Michigan resident.
3. On July 28, 2010, the Department sent the Claimant a Verification Checklist with a due date of August 9, 2010. The Department requested that the Claimant

provide verification of her identity by picture identification card or social security card.

4. The Claimant's representative requested three extensions to the Verification Checklist with the last one being due on September 8, 2010.
5. On September 8, 2010, the Claimant's representative notified the Department that her identification card and her social security card could not be located.
6. On September 18, 2010, the Department denied the Claimant's application for Medical Assistance (MA) for failing to verify her identity.
7. The Department received the Claimant's request for a hearing on November 12, 2010, protesting the denial of her application for Medical Assistance (MA) and retroactive 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 Claimant's representative submitted an application for Medical Assistance (MA) and retroactive Medical Assistance (MA) on her behalf. On July 28, 2010, the Department sent the Claimant a Verification Checklist with a due date of August 9, 2010. The Department requested that the Claimant provide verification of her identity by picture identification card or social security card. The Claimant's representative requested three extensions to the Verification Checklist with the last one being due on September 8, 2010.

On September 8, 2010, the Claimant's representative notified the Department that her identification card and her social security card could not be located.

The Department did not receive verification of the Claimant's identity. On September 18, 2010, the Department denied the Claimant's application for Medical Assistance for failing to verify her identity.

The Department denied the Claimant's application for Medical Assistance (MA) on the basis that she failed to provide photo identification or a copy of her social security card as requested on the Department's Verification Checklist form. The Claimant claimed to be a US citizen and a Michigan resident at the time she applied for Medical Assistance (MA) benefits. The Department failed to explain why it was unable to certify the Claimant's Medical Assistance (MA) pending the verification of her identity.

The Department has failed to establish that it properly determined the Claimant's eligibility for Medical Assistance (MA).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has failed to establish that it properly determined the Claimant's eligibility for Medical Assistance (MA).

Accordingly, the Department's Medical Assistance (MA) eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (MA) based on her application date of July 22, 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: May 16, 2011

Date Mailed: May 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 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/tg

cc:

