

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

IN THE MATTER OF:



Reg. No: 20119590  
Issue No: 2006  
Case No: [REDACTED]  
Load No: 8282026100  
Hearing Date:  
March 7, 2011  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on March 7, 2011.

ISSUE

Was the claimant's MA application properly denied for a failure to return 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) Claimant applied for MA-P in Wayne County on September 30, 2010.
- (2) Claimant was mailed a verification checklist, DHS-3503, on October 28, 2010, requesting verification of income and assets.
- (3) These documents were not returned by the due date of November 8, 2010.
- (4) Claimant received these verification checklists.

- (5) Claimant did not request an extension or help in returning or securing verifications.
- (6) Claimant's MA-P application was denied on November 15, 2010.
- (7) On December 6, 2010, claimant requested a hearing.
- (8) Claimant was represented at hearing by his guardian, [REDACTED]

#### 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) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

An application or redetermination is considered incomplete until it contains enough information to determine eligibility. BAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. BAM 130. If the claimant cannot provide verification despite a reasonable effort, the time limit is to be extended at least one time. BAM 130.

After consideration of the case, the undersigned has determined that the claimant has not met their burden of proof in showing that they returned the required verifications.

There is no dispute that the claimant received all verification checklists. Furthermore, the verification checklist requested items necessary to make a determination of eligibility.

There is no evidence that claimant requested assistance or extensions in returning the verifications; in fact claimant's guardian testified that no extension had been requested.

Furthermore, the evidence in the record shows that the verifications in question were not returned. Claimant's guardian testified that she did not return the verifications in question.


Therefore, as the verifications were never returned to the Department, and there is no evidence claimant requested extensions for these verifications requests, the undersigned must rule that the Department properly denied claimant's MA-P application, as it was unable to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA-P application of September 30, 2010 was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.

Robert

  
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J. Chavez  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 03/17/11

Date Mailed: 03/17/11

**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.

RJC/dj

cc:

