

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20119897
Issue No: 2006
Case No: [REDACTED]
Hearing Date: May 4, 2011
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 3-way telephone hearing was held on May 4, 2011. Claimant was represented by [REDACTED] of [REDACTED], authorized hearing representative collecting on behalf of a hospital. Claimant's representative instructed claimant not to appear.

ISSUE

Did the DHS properly deny claimant's July 9, 2010 MA application?

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 9, 2010, [REDACTED] applied for MA on behalf of claimant and claimant's spouse.
2. Prior to the application, the family had a case open since September 28, 2009 for FAP benefits pursuant to BAM, the department added claimant's spouse's MA application to the same case name and number.
3. On September 3, 2010, the DHS issued a verification checklist to [REDACTED] indicating the necessary verifications to complete the application process. Claimant's husband was specifically identified under the verification request by name despite the case name identified as claimant's wife.
4. [REDACTED] failed to comply with the verification request.

5. On September 21, 2010, the DHS issued notice of denial due to claimant failing to comply with the verification request.
6. On November 29, 2010, a timely hearing request was filed.

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).

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you may deny or close the case. BEM, Item 260, p. 4.

Also applicable to the case herein is BAM Item 110 which states:

Add a program.
All programs.

All new applications must be registered by registration support. However, once an application for any program is pending or active, you may use the Add Program Case Action in BRIDGES to add an additional program (to the existing case). BAM Item 110, p 17.

In this case, a review of the department's actions indicates that the department correctly indicated to claimant's representative what was necessary for verifications and when it was due.

Claimant's representative indicated that they failed to provide the verifications as they failed to thoroughly read the verification checklist notice but saw the name at the top as the case name and assumed that it did not apply to claimant husband.

As noted above, BAM Item 110 allows the department to add a program and in fact, testimony was generally a requirement that once a case open under a family name, that new applicants are processed under the case number and case name. In fact, that is the reason that the case name in this case reflects the wife and not the husband as the case name is still under the original name pursuant to the FAP case being open in 2009.

This Administrative Law Judge finds that the department correctly followed its policy and procedure herein. Claimant's representative failed to submit necessary verifications and thus, the department's denial is upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial action is UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 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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JGS/db

cc:

