

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-12802
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: April 30, 2012
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Walled Lake, Michigan on Monday, April 30, 2012. The Claimant did not appear; however, the Claimant's Authorized Hearing Representative ("AHR"), [REDACTED] appeared and testified. [REDACTED] on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's July 16, 2009 Medical Assistance ("MA-P") 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. The Claimant/AHR submitted an application for public assistance seeking MA-P benefits on July 16, 2009.
2. The case was closed in error.
3. The Department reopened the Claimant's case and mailed a Medical Determination Verification Check list to the Claimant and AHR requesting the verifications be submitted by July 28, 2011. (Exhibit 1)

4. The Department also sent a Notice of Appointment to the Claimant for a consultative evaluation scheduled for July 26, 2011.
5. The Claimant failed to attend the consultative evaluation.
6. The Department extended the Medical Determination Verification Checklist due date three times.
7. The Claimant and/or the AHR failed to submit any verification(s).
8. On August 30, 2011, the Department denied the application and mailed the appropriate notice.
9. On October 14, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, 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 Tables ("RFT").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130. Verifications are considered timely if received by the due date. BAM 130. If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. BAM 130. If an individual who is applying for benefits fails to take part in a consultative examination or test necessary to determine disability, the individual may be found not disabled. 20 CFR 416.918(a).

In this case, the Claimant/AHR submitted an application for MA-P benefits on July 16, 2009. The case was closed and upon discovery, the Department re-opened and registered the Claimant's case. As part of processing, the Department requested Verifications and scheduled a consultative evaluation. The Claimant failed to attend the appointment which was necessary to determine disability. Additionally, despite the

2012-12802/CMM

verification due date being extended three times, no verifications were submitted. In light of the foregoing, the Department established it acted in accordance with policy when it denied the Claimant's MA-P application on August 30, 2011. Accordingly, the Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department acted in accordance with Department policy when it denied the Claimant's July 16, 2009 MA-P application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 8, 2012

Date Mailed: May 8, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

2012-12802/CMM

- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

