

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

IN THE MATTER OF:



Reg. No.: 201222140
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 10, 2012
County: Macomb (20) DHS

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 10, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant; [REDACTED] testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's MA benefit application 9/29/11 due to an alleged failure to submit required medical verifications.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 9/29/11, Claimant applied for MA benefits.
2. On 12/6/11, DHS mailed Claimant a Verification Checklist requesting the return of the following: DHS 49-D, DHS-49-E, DHS-49-F, psychological report and progress notes from Claimant's treating facility.
3. On 12/19/11, Claimant returned a completed DHS 49-D, DHS -49-E and DHS 49-F to DHS
4. On 12/22/11, DHS denied Claimant's application dated 9/29/11 for allegedly failing to return necessary verifications.

5. On 12/22/11, Claimant requested a hearing to dispute the MA benefit denial.

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). DHS 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

A request for program benefits begins with the filing of a DHS-1171 or other acceptable form. BAM 110 at 1. Before processing an application, DHS may require a client to verify information within their application. Verification is usually required at application. BAM 130 at 1. DHS must give clients at least ten days to submit verifications. *Id.* Procedures for requesting verifications relating to MA benefit applications based on disability are outlined in BAM 815.

DHS originally contended that Claimant failed to submit complete medical forms. After checking Claimant's submissions, DHS conceded that Claimant submitted a complete Medical- Social Questionnaire (DHS-49F), Psychiatric/Psychological Examination Report (DHS-D) and Mental Residual Function Capacity Assessment (DHS-49-E).

DHS then alleged that progress notes and a psychiatric report were requested from Claimant and not returned by Claimant; DHS contended that Claimant's failure to return the documents justified the application denial. It should be noted that the DHS-49-D and DHS-49-E are medical documents completed by Claimant's treating physician and could very reasonably be interpreted as serving as a psychological report. It is found that DHS had no grounds to deny an application based on a failure to submit a psychological report when DHS received documents amounting to the equivalent of a psychological report.

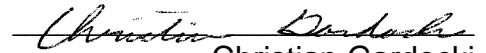
DHS was unable to cite any specific policy which would justify such an application denial due to a failure to submit progress notes. DHS can only deny an application for a failure to return mandatory documents. The documents must be mandatory per DHS regulations, not based on the whims of a DHS specialist or the Medical Review Team. It should also be noted that DHS had the capability of obtaining the requested medical documents through Claimant's treating facility because DHS had obtained Claimant's written authorization to release health information. As DHS failed to establish that progress notes and a psychological report are mandatory documents for a disability determination, it is found that DHS improperly denied Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 9/29/11 for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's application dated 9/29/11 for MA benefits; and
- (2) process Claimant's application in accordance subject to the finding that Claimant did not fail to submit medical verifications.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 16, 2012

Date Mailed: May 16, 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.
- 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

