

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201231312  
Issue No: 2006  
Case No: [REDACTED]  
Hearing Date: May 24, 2012  
Macomb County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**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 telephone hearing was held on May 24, 2012. The claimant's mother and guardian personally appeared and provided testimony as did her father.

**ISSUE**

Whether the department properly closed the claimant's Medical Assistance (MA) case for failure to cooperate by not submitting the requested 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. The claimant was a recipient of MA benefits during the time period in question.
2. The claimant was sent a verification checklist (DHS 3503) on November 15, 2011 with a due date of November 28, 2011. (Department Exhibit 2).
3. The department contends that the claimant did not return all of the requested verifications by the due date.
4. The department then sent the claimant a notice of case action (DHS1605) on December 1, 2011 stating that the claimant's MA case would be closing as of January 1, 2012 due to the requested verifications not being returned. (Department Exhibit 3).

5. The claimant filed a hearing request December 13, 2011, protesting the closure of her MA case.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Program Reference Manual (PRM).

In relation to a claimant's responsibilities in obtaining the verifications needed for the department to make a determination as to eligibility or continuing eligibility, policy states as follows:

#### **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 105.**

##### **Refusal to Cooperate Penalties**

##### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

## **Verifications**

### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

### **Assisting the Client**

#### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM 105. Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130.

### **Obtaining Verification**

#### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130.

### **Timeliness Standards**

#### **FIP, SDA, CDC, FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

**Exception:** For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130.

In the case at hand, the claimant was sent a verification checklist (VCL) with a due date of November 15, 2011. The comments section of the VCL requests verification of income and assets for Jada. The bottom of the VCL shows what the department is asking to verify and what kind of proof is required. The only requested documentation shown on this VCL is a recent check stub or award letter for the claimant's RSDI (see Department Exhibit 2). The department representative testified that the claimant was to return verification of her savings account but did not. The lack of verification for the savings account was the reason for the termination. The verification checklist was returned on the due date with a note from the claimant's guardian but without the savings account verification. However, the VCL produced by the department does not specifically request verification of the savings account nor does it state what verification would be sufficient to verify said account. The claimant's guardian turned in documents to the department by the due date, just not the specific documents that department was looking for. The Administrative Law Judge finds that the claimant's guardian did make reasonable efforts to cooperate with the department's request for verification. It is true that the verifications regarding the savings account were not returned, but the VCL was not specific as to what was being requested by the department. Accordingly, the Administrative Law Judge finds that the claimant did not fail to cooperate with the department's request for verification and that her MA case was improperly closed.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's MA case for failure to cooperate by not submitting the requested verifications.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that the department shall issue a new verification checklist and allow the claimant to submit the necessary verifications. The department shall then initiate a determination of the claimant's eligibility and if the claimant is found to be otherwise eligible, the department shall reinstate benefits back to the date of negative action (January 1, 2012) and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: May 29, 2012

Date Mailed: May 30, 2012

**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 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.

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