

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-34077
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: April 25, 2012
County: Shiawassee

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 April 25, 2012. Claimant did not appear and was represented by [REDACTED]. [REDACTED] appeared on behalf of the department.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's Medical Assistance (MA) and Retro-MA application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for MA and Retro-MA on November 24, 2010. (Hearing Request).
2. Claimant was provided with a Verification Checklist (DHS-3503) January 6, 2011. Claimant was required to submit requested verification by January 18, 2011. (Department Exhibit 4, pp 1-2).
3. On January 22, 2011, the Department denied Claimant's application for failure to submit verification in a timely manner. (Department Exhibits 5, pp 1-2).
4. On October 21, 2011, [REDACTED] requested a hearing. At that time the department was unable to locate documentation that [REDACTED] represented Claimant. As a courtesy, the department reprocessed the application on 11/1/11 with Retro-MA back to August 2010, and requested a copy of the original application and

authorization to represent. (Hearing Summary; Department Exhibit 1; p 18; Department Exhibit 3, pp 1-2).

5. On November 1, 2011, Claimant and [REDACTED] were mailed a Verification Checklist requesting medical records and verification of Claimant's income, due November 28, 2011. (Department Exhibits 7, pp 2-4).
6. On November 29, 2011, at the request of [REDACTED] the department extended the Verification due date to December 8, 2011, requesting a copy of the original application, verification of Claimant's income from August 2010 to present, and Claimant's medical records. (Hearing Summary; Department Exhibit 8, pp 1-3).
7. On December 8, 2011, at the request of [REDACTED], the department extended the Verification due date a second time to December 19, 2011, requesting a copy of the original application, verification of Claimant's income from August 2010 to present, and Claimant's medical records. (Hearing Summary; Department Exhibit 9, pp 1-3).
8. On December 19, 2011, at the request of [REDACTED], the department extended the Verification due date a second time to December 29, 2011, requesting a copy of the original application, verification of Claimant's income from August 2010 to present, and Claimant's medical records. (Hearing Summary; Department Exhibit 10, pp 1-3).
9. On January 4, 2012, the Department denied Claimant's application for failure to submit verification in a timely manner. (Department Exhibits 12).
10. On February 10, 2012, Claimant filed a hearing request, protesting the closure. (Request for a Hearing).

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) 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).

For MA, the Client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the Client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. A Notice of Case Action is sent when the Client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

Claimant's representative agreed that Claimant's verification of income was never submitted to the department. However, Claimant's representative contended that in

their request for a third extension, it had solicited the department's help in obtaining the verification of income. A review of the request for extension shows the last sentence states, "if you are unable to grant an extension despite our efforts to obtain the needed verifications, I am requesting that you assist us or use the best available information to make a determination." It should be noted, that that sentence is on every request for extension.

The department indicated that Claimant's representative never informed the department that they were having any problems obtaining Claimant's income information, and Claimant's representative did not dispute that statement. Based upon the department's granting of three extensions, without ever having received a copy of a valid authorization to represent from Claimant's representative, and the Claimant's representative's failure to notify the department that they were having problems obtaining Claimant's proof of income, the Administrative Law Judge concludes that the Department properly denied Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department properly denied Claimant's application.

Accordingly, the Department's decision is AFFIRMED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 26, 2012

Date Mailed: April 26, 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.

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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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

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

VLA/ds

cc:

