

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

IN THE MATTER OF:



Reg. No: 201245852
Issue No: 2009
Case No: [REDACTED]
Hearing Date: September 13, 2012
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on September 13, 2012. Claimant appeared and provided testimony on his behalf along with L&S Associates. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Was timely completed verification established?

FINDINGS OF FACT

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

1. Claimant's application for MA-P on November 9, 2011 was denied on January 10, 2012 per BEM 260 with a request for a hearing on April 5, 2012.
2. On October 21, 2011, Claimant entered the hospital due to a gun shot wound; at that time he was working two different jobs.
3. On November 15, 2011, the Department of Human Services (DHS) sent the Claimant and L&S a Verification Check List (VCL) with a due date of November 28, 2011.
4. At the request of Claimant/L&S the DHS approved a first extension to December 8, 2011 a second extension to December 19, 2011 and a third extension to January 3, 2012.

5. The DHS timely received employment income from only one of the Claimant's employers.

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).

Facts above are undisputed.

The Claimant claimed that he had a right to a hearing on the disability issue even though his application had not been denied on that basis. The DHS disagreed and claimed that the Claimant only had a right to a hearing on the verification issue.

A notice of negative action shall include the following:

- a. A statement of what action the department intends to take.
- b. The reasons for the intended action. MAC R 400.902(1).
- c. The specific regulations supporting the action.
- d. The circumstances under which assistance or service is continued if a hearing is required.

MAC R 400.903(1)

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance or termination of assistance. An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial, suspension or exclusion from a service program or failure to take into account a recipient's choice of service.

The negative case action in this action was based on non-compliance with verification requirements and not an issue of disability. Therefore, the claimant had a right to a hearing on the verification issue and not on the disability issue.

The Claimant must not only meet the non-financial eligibility factors, but also financial eligibility factors (Income eligibility in this case) as provided for in the appropriate manual verification requirements. BEM 166, Pg. 142.

This Administrative Law Judge does not find the Claimant sustained his burden of proof to establish timely verification compliance based on the necessary competent material and substantial evidence on the whole record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides disability was not medically established.

Accordingly, MA-P denial is **UPHELD**.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 12, 2013

Date Mailed: February 12, 2013

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.

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

201245852/WAS

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

WAS/jk

cc:

