

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201252605
Issue No: 2009
Case No: [REDACTED]
Hearing Date: August 16, 2012
Branch 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, a telephone hearing was held on Thursday, August 16, 2012. Claimant appeared and provided testimony on her behalf. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Was good cause for non-compliance with verification requirements?

FINDINGS OF FACT

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

1. On May 8, 2011 the Department of Human Services (DHS) terminated Claimant's MA-P based on non-compliance in pursuing other benefits (RSDI) per BEM 270.
2. The DHS representative at the hearing was not the original worker involved in Claimant's case.
3. On April 16, 2012, an Order of Dismissal was issued by the Administrative Law Judge (ALJ) based on the agreement above.
4. The DHS representative did not have the medical reports at the hearing. They were at MRT for Claimant's subsequent MA-P application.

5. The DHS representative thought another worker had given the Claimant a 2-day verbal notice to apply for RSDI as a condition of continuing MA-P eligibility.
6. On May 18, 2012, the Claimant applied for RSDI with verification to the DHS on May 27, 2012.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Good Cause – A circumstance which is considered a valid reason for not complying with a requirement. BPG, Page 19.

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, Item 105, p. 8.

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, Item 130, p. 2.

Timeliness Standards All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

The evidence of record does not establish when and by what due date the DHS requested the RSDI application. Therefore, good cause has been established for the DHS claim of non-compliance with timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides good cause was established.

Accordingly, proposed MA-P termination is **REVERSED** and reinstatement of benefits within 10 days is SO ORDERED. If otherwise eligible.

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

Date Signed: August 31, 2012

Date Mailed: August 31, 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 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.

WAS/tb

cc:

