

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201261735
Issue No: 2006
Case No: [REDACTED]
Hearing Date: August 1, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on August 1, 2012. Claimant was represented by her authorized hearing representative, Accretive Health.

ISSUE

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application for failure to provide required 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. On September 20, 2012, [REDACTED] submitted a Medical Assistance (MA) application on Claimant's behalf.
2. On October 20, 2011, Medical Determination Verification Checklist (DHS-3503-MRT) was sent to Claimant. The requested verifications were due back on October 31, 2011.
3. On November 8, 2011, the requested verifications had not been received. Both Claimant and [REDACTED] were sent a Notice of Case Action (DHS-1605) stating the application was denied.
4. On January 20, 2012, [REDACTED] submitted a request for hearing.

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 Program Reference Manual (PRM).

In this case [REDACTED] of [REDACTED] testified that a copy of the Verification Checklist (DHS Form 3503) was not sent to them. The Department case worker who processed the application testified that the Medical Determination Verification Checklist (DHS-3503-MRT) is printed locally and she made a copy of it and manually mailed it to Accretive Health. There is only one copy of the Medical Determination Verification Checklist (DHS-3503-MRT) in the record and it is only addressed to Claimant.

In consideration of the large number of cases the Department worker is required to handle and the specific record keeping of the cases handled by [REDACTED], the testimony of [REDACTED] that a Medical Determination Verification Checklist (DHS-3503-MRT) was not sent to Claimant's [REDACTED], is found more reliable.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's Medical Assistance (MA) application for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's September 20, 2011 application be reinstated and processed in accordance with Department policy.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 21, 2012

Date Mailed: August 22, 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.

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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.

GFH/tb

cc:

