

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201261772
Issue No: 2006, 4003
Case No: [REDACTED]
Hearing Date: September 20, 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 September 20, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's March 1, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA) for failure to provide required verifications and information?

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 March 1, 2012, Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).
2. On March 15, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) and a Medical Determination Verification Checklist (DHS-3503-MRT). The information and verifications were due on March 26, 2012.
3. On March 22, 2012, at 5:16 pm Claimant left a telephone message for her DHS case worker requesting additional time to submit the required information and verifications.
4. On March 27, 2012, Claimant was sent a 160 which stated her March 1, 2012 application was denied.

5. On April 5, 2012, Claimant s ubmitted medical information and verifications.
6. On June 20, 2012, Claimant 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

At this hearing Claimant testified that she was not able to get in to her Doctor in time to make the due date so she left the case worker a phone message requesting more time. Claimant submitted her telephone records showing a 5 minute call to her DHS case worker's number. ES Coe, Claimant's case worker was at the hearing and testified that she does not specifically remember the phone message Claimant asserts. It is also noted that the medical information and verifications Claimant submitted on April 5, 2012 included a Medical Examination Report (form DHS-49) which had been signed by her Doctor on April 3, 2012.

The evidence in this record convinces this Administrative Law Judge that on March 22, 2012, Claimant did request an extension of time to submit the medical information and verifications. Claimant correctly cited Department policy on the fact that up to three extensions should be granted for providing Medical Assistance (MA) application materials.

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 March 1, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA) for failure to provide required verifications and information.

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

It is further ORDERED that Claimant's March 1, 2012 application be re-instated 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: October 2, 2012

Date Mailed: October 3, 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.

GFH/tb

cc:

