

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

IN THE MATTER OF:



Reg. No.: 2012-42438
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 12, 2012
County: Kent

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 3-way telephone hearing was held on June 12, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Attorney David Ledbetter. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist [REDACTED]

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's Medical Assistance (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. On January 17, 2012, the department representative called Claimant's attorney and informed that the verification checklist could not be sent to him without a signed consent from Claimant. (Department Exhibit 12).
2. Claimant applied for MA on January 18, 2012. (Hearing Summary).
3. Claimant was provided with a Verification Checklist (DHS-3503) February 8, 2012. (Department Exhibits 10-11).

4. Claimant was required to submit requested verification by February 21, 2012. In addition to the required list of verifications, the department indicated that although they had received Claimant's application with a letter from a law firm, there was no signed consent by Claimant and the department had yet to receive a signed consent allowing the department to correspond with Claimant's attorney and that was why the verification checklist was mailed directly to Claimant. The department also indicated that they had called Claimant's attorney, but had yet to receive the signed consent and had to move forward on the case. (Department Exhibit 10).
5. On February 21, 2012, the department received partial verifications from Claimant's attorney and a signed consent form giving the department authorization to correspond with Claimant's attorney. The authorization had been signed by Claimant on February 14, 2012. (Department Exhibits 10-11, 13-14).
6. On March 5, 2012, the Department mailed Claimant a Notice of Case Action informing him that his application had been denied for failure to submit verifications in a timely manner. (Department Exhibits 5-6).
7. On March 16, 2012, Claimant filed a hearing request, protesting the denial. (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 Actions is sent when the Client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

The department testified that they had notified Claimant's attorney on January 17, 2012, that they were unable to send him the verification checklist with a signed consent authorizing the department to do so. On February 8, 2012, the department sent the verification checklist to Claimant. On February 14, 2012, Claimant signed the consent form allowing the department to correspond with Claimant's attorney. Claimant's attorney faxed the signed consent form and only some of the requested verifications to the department on the due date of February 21, 2012. At no time did Claimant's attorney request an extension. When Claimant's attorney was asked why he waited a week after he obtained Claimant's signed consent to forward that to the department,

Claimant's attorney stated that he was still making a reasonable effort to gather all the requested authorizations to submit at one time.

Based on the department's proactive approach in attempting to get the signed consent form allowing them to correspond directly with Claimant's attorney, even before receiving Claimant's MA application, and Claimant's failure to timely submit the signed consent, this Administrative Law Judge finds that Claimant's attorney did not make a reasonable effort to timely provide the requested verifications or signed consent form allowing the department to correspond with him. As a result, 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: 6/13/12

Date Mailed: 6/13/12

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.

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

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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

VLA/ds

■ [REDACTED]