

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201247026

Issue No: 2006

Case No:

[REDACTED]

Macomb #20 County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 9, 2012. After due notice, a telephone hearing was held on August 23, 2012.

ISSUE

Whether the Department of Human Services (Department) properly closed the Claimant's Medical Assistance (MA) benefits case for failure to provide information necessary to determine his eligibility to receive benefits?

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 January 6, 2012, the Department evaluated the Claimant's eligibility for Medical Assistance (MA).
2. On February 6, 2012, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of a retirement account.
3. On April 17, 2012, the Department closed the Claimant's Medical Assistance (MA) benefits case for failure to provide information necessary to determine his eligibility to receive benefits.
4. The Department received the Claimant's request for a hearing on April 4, 2012, protesting the closure of his Medical Assistance (MA) case.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (December 1, 2011). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (July 1, 2011). Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

On January 6, 2012, the Department evaluated the Claimant's eligibility for Medical Assistance (MA). On February 6, 2012, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of a retirement account. On April 17, 2012, the Department closed the Claimant's Medical Assistance (MA) benefits case for failure to provide information necessary to determine his eligibility to receive benefits.

The Claimant's representative argued that it was not necessary to provide verification of the retirement account asset because the account had been liquidated that the funds were no longer an asset held by the Claimant. The Claimant's representative argued that Bridges Administrative Manual (BAM) 130 (July 1, 2011), p 1, requires the Department to obtain verification where information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The Claimant's representative testified that the information the Claimant provided about his assets should have been sufficient for the Department to determine his eligibility to receive Medical Assistance.

However, BAM 130, p 1, also requires that the Department obtain verification where required by policy. Department policy requires that the Department initiate closure of Medical Assistance (MA) for excess assets and requires verification where the excess assets have been disposed of. Department of Human Services Bridges Eligibility Manual (BEM) 400 (April 1, 2012), p 5. Therefore, the Claimant did have a duty to provide the Department with verification of the value of his retirement account, and

there is no evidence to establish that the Claimant made a reasonable attempt to provide this information in a timely manner.

Based on the evidence and testimony available during the hearing, the Department has established that it properly closed the Claimant's Medical Assistance (MA) benefits for failure to provide information necessary to determine his eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed the Claimant's Medical Assistance (MA) benefits case for failure to provide information necessary to determine his eligibility to receive benefits

The Department's Medical Assistance (MA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 11, 2012

Date Mailed: September 11, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/tb

cc:

