

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-22397  
Issue No: 2006  
Case No: [REDACTED]  
Hearing Date: May 30, 2013  
Genesee County DHS #6

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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, an in-person hearing was held on May 30, 2013. Claimant personally appeared and testified. The Department of Human Services was represented by Assistance Payments Worker [REDACTED] [REDACTED]

**ISSUE**

Did the Department of Human Services (the department) properly deny claimant's application based upon its determination that claimant failed to provide verification information in a timely manner?

**FINDINGS OF FACT**

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

- (1) Claimant was a MA benefit recipient.
- (2) Claimant's case was scheduled for redetermination in December 2012.
- (3) On November 13, 2012 the department sent claimant a redetermination form with information due by December 13, 2013.
- (4) On December 14, 2012, the verification was not returned.
- (5) On December 14, 2012, the department sent out a DHS-1605 Notice of Case Action informing the claimant that her case would be cancelled due to failure to return her DHS-1010 redetermination forms.

- (6) On December 21, 2012, claimant filed a request for a hearing to contest the department's negative action.
- (7) On January 16, 2013, claimant reapplied for MA and was approved. The case was opened for January 1, 2013 and claimant had no loss of benefits, because the claimant's certification period expired December 31, 2012.

### CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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).

Relevant policy can be found at PAM, Item 130, which instructs caseworker to tell the client what verification is required, how to obtain it and the due date. The client must obtain required verification but the caseworker must assist if the client requests assistance.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, page 1.

If the individual indicates the existence of a disability that impairs their ability to gather verifications and information necessary to establish eligibility for benefits, offer to assist the individual in the gathering of such information. BEM, Item 130, page 1.

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. Refer to policy in this item for citizenship verifications. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BEM, Item 130, page 5.

Upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. The notice of case action is printed and mailed centrally from the consolidated print center.

There are two types of written notice: **adequate** and **timely**.

A notice of case action must specify the following:

- The action(s) being taken by the department.
- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested.

### **Adequate Notice**

An adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). Adequate notice is given in the following circumstances:

### **All Programs**

- Approval/denial of an application.
- Increase in benefits. BAM, Item 220, pages 1-2

In the instant case, claimant is contesting the denial of her redetermination. Claimant alleges that she did receive the redetermination letter but misplaced it. She contacted the department by phone but did not send in any information as she had no changes in her circumstances. The department has established by the necessary, competent, substantial and material evidence contained in the record that claimant failed or refused to provide verification evidence in this case, that she was sent appropriate notice of negative action or that claimant did not request assistance in collecting and providing verification evidence in accordance with department policy.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the department has established by a preponderance of the evidence that claimant failed or refused to provide verification information.

Accordingly, the department's prior decision is **AFFIRMED**.

/s/ \_\_\_\_\_  
Landis

\_\_\_\_\_  
Y. Lain  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 4, 2013

Date Mailed: June 4, 2013

**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.

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.

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

2013-22397/LYL

LYL/las

cc:

