

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-28919
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 telephone hearing was held on June 5, 2013, from Detroit, Michigan. Participants included [REDACTED]

[REDACTED] No participants on behalf of the Department of Human Services (Department) were present for the hearing.

ISSUE

Whether the Department properly denied Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. In June of 2010, Claimant applied for MA benefits and sought retroactive coverage back to April of 2010. Exhibit 1 and Exhibit A.
2. On July 28, 2010, the Department sent Claimant's AHR a Verification Checklist (VCL) with a due date of August 7, 2010. Exhibit 1.
3. On July 30, 2010, Claimant's AHR submitted the requested verification. Exhibit A.
4. On January 10, 2011, the Department only notified Claimant that the MA application was denied effective June 1, 2010, based on a failure to provide the requested verification. Exhibit 1.

5. Claimant's AHR never received the MA denial letter from the Department.
6. On February 13, 2013, the Department received Claimant's AHR written request for hearing disputing the Department's actions. Exhibit A.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98

and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

As a preliminary matter, the hearing was scheduled at 2:30 p.m. and the Department was not present for the hearing. The Department failed to call in for the hearing. The Michigan Administrative Hearing System in Detroit, Michigan, made multiple attempts to contact the Department without any success. Thus, this hearing proceeded with only Claimant's AHR present.

Clients must cooperate with the local Department office in the completion of necessary forms for determining initial and ongoing eligibility. BAM 105 (January 2011), p. 5. For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (January 2011), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also, for MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

In June of 2010, Claimant applied for MA benefits and sought retroactive coverage back to April of 2010. Exhibit 1 and Exhibit A. On July 28, 2010, the Department sent Claimant's AHR a VCL with a due date of August 7, 2010. Exhibit 1. On July 30, 2010, Claimant's AHR submitted the requested verification. Exhibit A. On January 10, 2011, the Department only notified Claimant that the MA application was denied effective June 1, 2010, based on a failure to provide the requested verification. Exhibit 1. Claimant's AHR never received the MA denial letter from the Department. On February 13, 2013, the Department received Claimant's AHR's written request for hearing disputing the Department's actions. Exhibit A.

In this case, on January 10, 2011, the Department's Notice of Case Action indicated that Claimant failed to submit the requested verification. Exhibit 1. Specifically, the July 28, 2010, VCL requested that Claimant's AHR provide proof that Claimant had applied for Social Security benefits. See Exhibit 1. At the hearing, Claimant's AHR testified it replied to the VCL request. Claimant's AHR provided proof that the VCL request was sent to the Department via fax on July 30, 2010. Exhibit A. Moreover, Claimant's AHR testified that he never received a response to the application nor the retroactive application from the Department. Claimant also provided proof that the application was sent via shipping on June 16, 2010, to the Department office. Exhibit A. This package included the MA application, Retroactive Medicaid Application, and authorization for the AHR to represent Claimant. Exhibit A.

Based on the foregoing information and evidence, the Department improperly denied Claimant's June of 2010 MA application and retroactive application dating back to April of 2010. First, the Department was not present at the hearing to rebut Claimant's AHR's testimony. Second, Claimant's AHR provided credible evidence that it submitted the verification documents timely to the Department via fax on July 30, 2010. Exhibit A.

Third, Claimant's AHR was entitled to receive the response to the application as they appropriately submitted the required documents to represent Claimant at the time of application. Thus, the Department improperly denied Claimant's June of 2010 MA application and retroactive application dating back to April of 2010 in accordance with Department policy.

DECISION AND ORDER


The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and initiate processing of Claimant's June of 2010 MA application, retroactive to April of 2010;
2. Begin issuing supplements to Claimant for any MA benefits Claimant was eligible to receive but did not from April of 2010, ongoing; and
3. Notify Claimant and Claimant's AHR in writing of its decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 11, 2013

Date Mailed: June 11, 2013

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. (60 days for FAP cases)

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.

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

EJF/pf

cc:

