

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201315005
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 28, 2013
County: Chippewa

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 May 28, 2013. Claimant was represented by [REDACTED] who was appointed as Claimant's representative on April 8, 2013 by Claimant's full plenary gaurdian, [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's August 24, 2012 application for Medical Assistance (MA)?

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 August 24, 2012, an application for Medical Assistance (MA) was submitted for Claimant by his [REDACTED] Claimant resided in a nursing home in Chippewa County.
- (2) On October 12, 2012, a Verification Checklist (DHS Form 3503) was sent to Claimant's spouse in Novi, Mi. The required verifications were due back on October 22, 2012.
- (3) On October 25, 2012 the Chippewa County case worker received an Email from Claimant's [REDACTED] which stated that some of the documents had been located with more pending. A Notice of Case Action (DHS-1605) was sent to Claimant's [REDACTED] in [REDACTED] stating the application had been denied.

- (4) On November 5, 2012, a request for hearing was submitted by Claimant's spouse.
- (5) On February 15, 2013, Virginia Marshall was appointed as Claimant's plenary guardian.

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 evidence in this case record clearly shows that all the required verifications had not been submitted to the Department by the date Claimant's application was denied. While Claimant was in the [REDACTED] his [REDACTED] and/or [REDACTED] sold the home and his [REDACTED] moved down state. Claimant's representative, [REDACTED], established that: Claimant's spouse was not able or willing to manage Claimant's affairs; the Department exceeded their time limit to make an eligibility determination; and that the Department did not provide any assistance in obtaining the required verifications.

[REDACTED] also pointed out that Department of Human Services Bridges Administration Manual (BAM) 130 (2012) page 1 states "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." Evidence in the record also shows that: Claimant's Medical Assistance (MA) case was closed in March 2012 for failure to provide required verification; Claimant's [REDACTED] [REDACTED] was helping Claimant's [REDACTED] with the paperwork for his assistance in March 2012; and that [REDACTED] was again helping with the August 2012 application at issue in this hearing; and the required verifications for this application are the same as for the March 2012 closure. No information in this record indicates that [REDACTED] has a disability that would impair her ability to gathering verifications necessary for her [REDACTED] eligibility determination. Why should the Department offer to assist in gathering the information?

The October 25, 2012 Email [REDACTED] sent to the Department lists numerous expenditures Deann made of her parent's assets from 2009 through 2011. It also identified three specific required verifications that had not been provided: a cashed out life insurance policy; Prudential stock; and "verification of what property/home was sold for – and where the money went." What verifications were required to determine Claimant's eligibility was known for more than six months before the August 24, 2012 application was denied. Even if the Department had offered to help, the final item is something which only Deann can provide even though she may be reluctant to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's August 24, 2012 application for Medical Assistance (MA).

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

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/18/13

Date Mailed: 6/18/13

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.

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

GFH/tb

cc:

