

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

IN THE MATTER OF:



Reg. No.: 201322750
Issue No.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Genesee 06

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 30, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's October 18, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA)?

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 October 18, 2012, Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).
- (2) On November 21, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verifications of disability. The verifications were due on December 3, 2012.
- (3) On November 27, 2012, Claimant was sent a Medical Determination Verification Checklist (DHS -503-MRT) The documents were due on December 7, 2012.
- (4) On December 3, 2012, Claimant was incorrectly sent notice that her application was denied.
- (5) On January 3, 2013, Claimant submitted a request for hearing.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

At the hearing Claimant testified that she was sent a request for verifications which had a due date of December 7, 2012 and she brought in the documents after December 3rd but before December 7th. The record was left open in order to allow Claimant to submit her asserted document with a different due date. Claimant did submit a request for medical documentation with a December 7, 2012 due date. Both the November 21 & 27, 2012 requests for medical documentation were sent out by a case worker who was processing the application and before the case passed to a different case worker. The second case worker was not aware of the second request for medical documents with the December 7, 2012 due date. The denial occurred based on Claimant not meeting the December 3, 2012 due date. The evidence in this record shows that Claimant had until December 7, 2012 to provide the required documentation so denial before the due date was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant October 18, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA).

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

It is further ORDERED that Claimant's October 18, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA) be reinstated and processed in accordance with Department policy.

/s/

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

Date Signed: 6/14/13

Date Mailed: 6/17/13

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 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.

GFH/tb

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.