

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201325494
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: July 8, 2013
County: Macomb DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on July 8, 2013, from Clinton Township, Michigan. Participants included [REDACTED] as Claimant's authorized representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether Claimant's AHR made reasonable efforts to submit employment information for Claimant's spouse concerning a 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. On 12/28/10, Claimant applied for MA benefits including retroactive MA benefits from 9/2010.
2. On an unspecified date DHS mailed Claimant's AHR a Verification Checklist requesting completion of a Verification of Employment (DHS-38) for Claimant's spouse.
3. Claimant's AHR made reasonable efforts to have the DHS-38 completed but Claimant's spouse's employer was unresponsive.

4. Claimant's AHR reported to DHS the reasonable efforts made in having the DHS-38 completed.
5. On 12/20/12, DHS mailed a Notice of Case Action to Claimant's AHR denying the MA benefit application due to a failure to verify employment information.
6. On 12/2012, Claimant's AHR requested a hearing to dispute the denial of MA benefits.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The present case concerns a denial of an MA application date 12/28/10, including retroactive benefits from 9/2010. It should be noted that Claimant's hearing request mistakenly cited an MA application from 2/2010, though DHS did not claim any confusion from the mistake. It was not disputed that DHS denied the application due to an alleged failure by Claimant's AHR to verify employment income for Claimant's spouse.

For MA benefits, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. BAM 130, p. 2. DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

The client must obtain required verification, but DHS must assist if they need and request help. *Id.*, p. 3. If neither the client nor DHS can obtain verification despite a reasonable effort, DHS is to use the best available information. *Id.*

Claimant's AHR testified that telephone calls and faxes were made to Claimant's spouse's employer in an attempt to have a DHS-38 completed. Claimant's AHR testified that the only response received from the employer was a fax dated 6/21/12 which stated that Claimant's spouse no longer worked for the employer. It was not disputed that Claimant's AHR informed DHS of the difficulties in getting the DHS-38 completed.

During the hearing, DHS was asked why Claimant's efforts were less than reasonable. DHS could not provide a response.

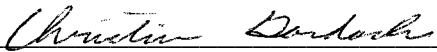
Based on the presented evidence, it is found that Claimant made reasonable efforts in obtaining a completed DHS-38 for Claimant's spouse and that DHS should have used the best available information to process Claimant's MA benefit application. Accordingly, the denial of the application dated 2/28/10 was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA application dated 12/28/10, including retroactive MA benefits from 9/2010; and
- (2) initiate processing of Claimant's application subject to the findings that Claimant's AHR used reasonable effort in having a DHS-38 completed and that DHS is to use the best available information concerning Claimant's spouse's employment information.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/18/2013

Date Mailed: 7/18/2013

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 affect the substantial rights of the claimant,
- 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

CG/hw

cc:

