

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 2013-34689
Issue No.: 2006
Case No.: ██████████
Hearing Date: June 17, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 17, 2013, from Detroit, Michigan. Claimant's Legal ██████████ ██████████ ██████████ appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On January 2, 2013, Claimant submitted an application for MA benefits.
2. On February 6, 2013, the Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifications by February 19, 2013. (Exhibit 1)
3. On February 19, 2013 the Department sent Claimant a Notice of Case Action, denying his application for MA benefits based on a failure to verify requested information. (Exhibit 2)

4. On March 4, 2013, Claimant filed a hearing request, disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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.

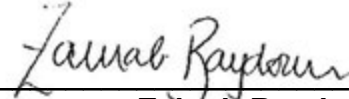
Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. MA clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed. BAM 130, pp. 6-7.

In this case, Claimant applied for MA on January 2, 2013. The Department sent Claimant a VCL on February 6, 2013 in connection with his application for MA. (Exhibit 1). Verification of Claimant's checking and savings account information, and verification of wages was due to the Department on February 19, 2013. (Exhibit 1). At the hearing, the Department testified that because Claimant did not provide the Department with the verifications that were requested, on February 19, 2013, it sent Claimant a Notice of Case Action, denying his application for MA based on a failure to verify requested information. (Exhibit 2). BAM 130, p.5.

At the hearing, Claimant's guardian acknowledged that he received the VCL and stated that the requested verifications were sent via fax by her husband several times before the due date, but could not verify this testimony, as she did not have fax confirmation pages or other documentation that the verifications were sent. Claimant's guardian was also unable to recall the exact date that the information was provided to the Department. The Department testified that it did not receive any of the requested documents at any time before the VCL due date and that as of the hearing date; the Department still had not received the information. As such, the Department acted in accordance with Department policy when it denied Claimant's MA application for failure to verify requested information.

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 in accordance with Department policy when it denied Claimant's MA application based on a failure to verify requested information. Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: July 8, 2013

Date Mailed: July 8, 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

ZB/cl

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