

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201337498
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Wayne County (#17)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's March 25, 2013 request for a hearing. After due notice, a telephone hearing was held on Wednesday, June 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] (Daughter). Participant on behalf of Department of Human Services (Department) was [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> 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 July 16, 2012 and September 27, 2012, Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. On February 14, 2013, the Department received a DHS-1552 verification of application or appeal for SSI/RSDI from the Social Security Administration which stated "no filing. Insured for different benefits." (Exhibit 1)

3. On March 6, 2013, the Department

- denied Claimant's application
 - closed Claimant's case
 - reduced Claimant's benefits
- for failure to submit verification in a timely manner.

4. On March 6, 2013, the Department sent notice of the

- denial of Claimant's application.
- closure of Claimant's case.
- reduction of Claimant's benefits.

5. On March 25, 2013, Claimant filed a hearing request, protesting the

- denial
- closure
- reduction.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are found in the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, clients who receive State Disability Assistance (SDA) who meet potential eligibility for Social Security Income (SSI) or have a Medical Review Team (MRT) decision that indicates they meet the criteria for MA based on blindness or disability are required to pursue SSI benefits, BEM 271(June 2012), p. 1. Failure to comply as required results in ineligibility for SDA benefits. For MA purposes refusal of a client to pursue a potential benefit results in the person's ineligibility.

The Claimant applied for MA based on disability in both July and September 2012. The Department asserts in the hearing summary that a DHS-1551 was sent to Claimant on January 2, 2013, as part of the processing of the application notifying Claimant to apply for SSI benefits with the Social Security Administration (SSA). On February 14, 2013, the Department received a DHS-1552 form from SSA indicating the Claimant had not filed but was "insured for different benefits." (Exhibit 1) Claimant denied receiving the DHS-1551 form in January 2013, or being told she was required to apply for SSI benefits by the Department. She further asserts that an SSI application was filed with SSA based on information given to her by friends. In addition, she submitted all other requested documentation to the Department in a timely manner.

The Department has the burden of establishing by a preponderance of the evidence that it acted in accordance with policy in any action taken that negatively affects a client.

The evidence on record is insufficient to support such a finding. The Department did not present sufficient credible testimonial or documentary evidence on the record such as, a copy of the DHS-1551 form, an MRT decision, case action notice or other necessary documentation to substantiate the basis for the Department's action. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Here, there is no proof that this was done. Further, policy provides that MA applications should be processed and certified within certain time frames. Evidence indicates Claimant's MA application was not processed in a timely manner. Based on this record, the Department did not establish that it acted in accordance with policy when it denied Claimant's application.

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 not establish it acted properly when it denied Claimant's MA application.

Accordingly, the Department's determination is hereby, **REVERSED**.

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

1. The Department shall reinstate Claimant's MA application back to the original date and process in accordance with policy.
2. The Department shall notify Claimant in writing regarding any additional verification needed to determine program eligibility in accordance with policy.
3. The Department shall notify the Claimant in writing regarding the MRT decision and MA eligibility.

M. Howie

Michelle Howie
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.

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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.

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

MH/hw

cc:

