

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201348861
Issue No: 2006
Case No: [REDACTED]
Hearing Date: July 24, 2013
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (department) on May 23, 2013. After due notice, a telephone hearing was held on July 24, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an assistance payments supervisor, and [REDACTED], an eligibility specialist, both with the department's Ottawa County office.

ISSUE

Whether the department properly denied Claimant's application for Adult Medical Program (AMP) benefits for failure to verify necessary information?

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 April 2, 2013, Claimant applied for AMP benefits.
2. On May 6, 2013, the department mailed Claimant a Verification Checklist (DHS-3503), requesting that Claimant provide verification of the following: (i) checking account; (ii) savings account; (iii) other self-employment. This information was due to the department by May 16, 2013. (Department Exhibit 1)
3. Claimant timely submitted the requested verification of her checking account and self-employment, but did not submit the requested verification of her savings account.

4. On May 17, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that her AMP application was denied as she failed verify or allow the department to verify necessary information. (Department Exhibit 2)
5. On May 21 2013, Claimant submitted a hearing request protesting the Department's denial of her application for AMP benefits. (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Adult Medical Program (AMP) was established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT). Applications received during a freeze on AMP enrollments must be registered and denied. BEM 640.

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. Department policy further provides that clients must take actions within their ability to obtain verifications and Department staff must assist when necessary. BAM 130, BEM 702. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130. For MA, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. The department should send a negative action notice when (i) the client indicates a refusal to provide a verification; or (ii) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, the department provided Claimant with a Verification Checklist, requesting that Claimant provide verification of her checking and savings accounts as well as her self-employment income. Because Claimant failed to submit verification of her savings account by the May 16, 2013 deadline, the department denied Claimant's AMP application on May 17, 2013.

At the July 24, 2013 hearing, Claimant testified that, prior to the May 17, 2013 verification deadline, she contacted her case specialist, [REDACTED], and advised that the verification of her self-employment may be submitted after the deadline because Claimant's bookkeeper and assistant were both out of the office. Claimant further testified, however, that while she ultimately obtained the required self-employment verification and verification of her checking account and submitted both verifications on May 17, 2013, she overlooked and failed to submit the required verification of her savings account.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds, based on the competent, material, and substantial evidence presented at the hearing, that it was Claimant's responsibility to ensure that she timely submitted all required verifications – and, while Claimant would have been entitled to up to three extensions of the verification deadline to submit the savings account information, Claimant's own testimony indicates that she did not require an extension due to difficulty obtaining the information but simply overlooked it. This Administrative Law Judge therefore finds that the department acted in accordance with policy in denying Claimant's application for AMP benefits due to Claimant's failure to verify necessary information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's application for AMP benefits due to Claimant's failure to verify necessary information. Accordingly, the department's actions in this regard are **UPHELD**.

IT IS SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 25, 2013

Date Mailed: July 30, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201348861/SDS

Request must be submitted through the local DHS office or directly to MAHS by mail at:
Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/aca

cc:

