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

**IN THE MATTER OF:**

[redacted]

Reg. No.: 2013-29408
Issue No.: 2006
Case No.: [redacted]
Hearing Date: August 15, 2013
County: Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

## 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 August 15, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [redacted] [redacted] Participants on behalf of Department of Human Services (Department) included [redacted] [redacted] and [redacted] [redacted] Interpreting the hearing was [redacted] [redacted] (Spanish).

## ISSUE

Due to a failure to comply with verification requirements, did the Department properly deny the Claimant's application for Medical Assistance (MA)?

## FINDINGS OF FACT

I find as material fact based upon competent, material, and substantial evidence on the whole record, including testimony of witnesses:

1. On November 30, 2012, the Claimant applied for MA benefits.

2. On December 6, 2012, the Department sent the Claimant a verification checklist. The verifications were due December 17, 2012.

3. As of January 29, 2013, the Claimant had not returned the requested verifications.

4. On January 29, 2013, the Department denied the Claimant's MA application.

5. On February 4, 2013, the Claimant requested a hearing to dispute the application denial.

## CONCLUSIONS OF LAW

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

The 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.

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. (BAM 600).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Testimony and other evidence must be weighed and considered according to its reasonableness.[1] Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. [2] In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.[3]

I have carefully considered and weighed the testimony and other evidence in the record and find the Department's testimony to be slightly more credible than the Claimant as the Department witness had a clearer recollection of the dates, times and events in question. Additionally, I found it troubling that the Claimant indicated she had evidence to show she submitted the requested documentation but didn't bring it to the hearing because she didn't realize she had to or could and because she didn't think the Department would be as prepared as they were.

Accordingly, I find evidence to **affirm** the Department's actions as I find that more likely than not, the Claimant did not comply with the Department's request for information.

[1] *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).
[2] *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).
[3] *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

## DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED.**

Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc: [redacted]