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

### IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:

2013-50315 2006

August 5, 2013 Wayne County DHS (55)

# ADMINISTRATIVE LAW JUDGE: Eric Feldman

# HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on August 5, 2013, fr om Detroit, Michigan. Participants on behalf of Claimant included Claim ant. Participants on behalf of the Department of Human Services (Department) included

#### **ISSUE**

Did the Department properly close Claimant's Medica I Assistant (MA) program benefits effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements?

## FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. Claimant was an ongoing recipient of MA benefits.
- 2. On March 28, 2013, t he Department sent Claimant a Medic al Determination Verification Checklist, which was due by April 8, 2013. Exhibit 1.
- 3. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must have the Medical Examinat ion Report (DHS-0049) completed by his cardiologist. Exhibit 1.
- 4. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must apply for Social Security b enefits in order for him to continue to receive his medical disability benefits. Exhibit 1.

- 5. In April 2013, Claimant contacted the Department r equesting an extens ion on the medical verification documents.
- 6. On April 23, 2013, the Depart ment s ent Claimant a Quick Note granting his extension and his new due date was May 3, 2013. Exhibit 1.
- 7. Claimant failed to submit the requested medical verification documents.
- 8. On May 22, 2013, the Department sent Clai mant a Notice of Case Action notifying him that his MA benefits would close e ffective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
- 9. On June 3, 2013, Claimant filed a hearing request, protes ting the denial of h is MA benefits. Exhibit 1.

## CONCLUSIONS OF LAW

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

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105.

In this case, Claimant was an ongoing recipient of MA benefits. On March 28, 2013, the Department sent Claimant a Medical Determination Verifi cation Checklist, which was due by April 8, 2013. Exhibit 1. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must have the Medical Exami nation Report (DHS-0049) completed by his cardiologist. Exhi bit 1. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must apply for Social Sec urity benefits in order for him to continue to receive his medical disability benefits. Exhibit 1. In April 2013, Claimant contacted the Department requesting an extension on the medical verification documents. On Apr il 23, 2013, the Departm ent sent Claimant a Quick Note granting his extens ion and his new due date was May 3, 2013. Exhibit 1. The Department testified that Claimant failed to s ubmit the reques ted medical verification documents. On May 22, 2013, t he Department sent Cla imant a Notice of Case Action notifying him that his MA be nefits would close effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

For MA cases, the Department allows the client 10 c alendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable e flort, the Department extends the time limit up to three times. BAM 130, p. 5. Ve rifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also for MA cases, if the

client indicates refusal to provide a verification or the time period given has elaps ed, then policy directs that a negative action be issued. BAM 130, p. 6. Only adequate notice is required for an application denial. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

At the hearing, Claimant testified that he did contact the Department requesting his first extension. However, Claimant testified that he ag ain contacted the Department on or before the May 3, 2013 due date requesting an additional extension. Claimant testified that his cardiologist needed to c onduct additional tests before c ompleting the Medic al Examination Report. Thus, Claimant is inferring that he needed additional time to submit these documents. It should be noted that Claimant acknowledged that he received the Medic al Determination Ver ification Checklist on March 28, 2013. Moreover, the Medical Deter mination Verification Checkl ist did request additiona documents (i.e., Medical Social Questionnaire form. Activities of Daily Log. etc...). which Claimant did not submit. See Exhibi t 1. Claimant testified that the Medical Examination Report was complet ed by his c ardiologist on June 13, 2013. See Exhibit Α.

The Department testified that it did not receive any of the documents it requested. Moreover, the Department testified that it did not receive the second phone call which h Claimant testified that he was requesting another ext ension. Nevert heless, the Department testified that it requested the verifications on March 28, 201 3 and gave Claimant over a month to submit the documents.

Based on the foregoing information and evidenc e, the Department properly closed The Department properly s Claimant's MA benefits. ent Claimant the Medic al Determination Verification Check list on Ma rch 28, 2013. The Department never received the requested documents. The D epartment appropriately gave Claimant an additional extens ion request. The Department also credibly testified that it did not receive any additional phone call regarding another extension request. Moreover, Claimant failed to even submit any of the other medical documents that the Department requested on March 28, 2013. Thus, the Department properly closed Claimant's MA case effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. BAM 130, p. 6.

## **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 re cord, finds that the Department properly closed Claimant's MA case effective July 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FIP AP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

Eric Feldman Administrative Law Judge

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

Date Signed: August 26, 2013

Date Mailed: August 26, 2013

**NOTICE**: Michigan Administrative Hearing Syst em (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 Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

EF/hi

