

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-64046
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: October 9, 2013
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 9, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medical Assistance (MA) application for failure to verify requested information?

FINDINGS OF FACT

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

1. On May 8, 2013, Claimant filed an MA application.
2. On June 12, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of his checking account and pension by June 24, 2013.
3. On June 28, 2013, the Department sent Claimant a Notice of Case Action denying the application because Claimant had failed to verify requested information.
4. On August 7, 2013, Claimant requested a hearing disputing the Department's action and included a copy of his checking account statement and a letter concerning his pension payments with the request.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

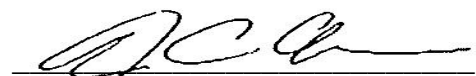
Additionally, in connection with Claimant's May 8, 2013, MA application, the Department sent Claimant a June 12, 2013, VCL, requesting verification of his checking account and pension payment. Checking accounts are assets, and asset value must be considered in determining a client's MA eligibility. BEM 400 (January 2013), p. 4. Pensions are unearned income used to determine a client's financial eligibility for MA. BEM 105 (October 2010), p. 1; BEM 503 (July 2013), pp. 20-21. Therefore, the Department properly requested the bank statement and pension documentation in the VCL.

In this case, Claimant acknowledged that he did not submit his checking account statement and pension document until August 7, 2013, when he submitted the documents with his request for hearing. He explained that he had medical issues that prevented him from obtaining and submitting the requested documents by the VCL June 24, 2013, due date but admitted that he did not request additional time to submit his response to the VCL. Verifications are considered timely if received by the date they are due, and the Department is required to send a case action notice when a client indicates a refusal to provide a verification **or** the time period given has elapsed. BAM 130 (May 2012), pp. 5-6. Because Claimant did not respond to the VCL by the June 24, 2013, due date and did not request an extension before the due date lapsed, the Department acted in accordance with Department policy when it denied the application in the June 28, 2013, Notice of Case Action.

Claimant was advised to reapply.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 16, 2013

Date Mailed: October 16, 2013

NOTICE OF APPEAL: 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.

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).

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

ACE/pf

cc:

