

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-64846
Issue No.: 2006
Case No.: ██████████
Hearing Date: October 16, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on October 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's Medical Assistance (MA) application effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements?

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 July 11, 2013, Claimant applied for MA benefits. See Exhibit 1.
2. On the application, Claimant indicated that he had bank account information. See Exhibit 1.
3. On July 15, 2013, Claimant conducted a phone interview with the Department.
4. On July 15, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting proof of Claimant's checking account and it was due by July 25, 2013. Exhibit 1.

5. The Department never received the verification request.
6. On July 31, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA application was denied effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
7. On or around July 31, 2013, Claimant contacted the Department and it gave Claimant an extension to submit the verifications.
8. On July 31, 2013, the Department sent Claimant a VCL requesting proof of Claimant's checking account and it was due by August 12, 2013. Exhibit 1.
9. On August 14, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.
10. The Department again never received the verification requests.
11. On August 19, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA application was denied effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. This includes completion of necessary forms. BAM 105, p. 5.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (Ma 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. The Department sends a case action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 6.

In this case, on July 11, 2013, Claimant applied for MA benefits. See Exhibit 1. On the application, Claimant indicated that he had bank account information. See Exhibit 1.

On July 15, 2013, the Department sent Claimant a VCL requesting proof of Claimant's checking account and it was due by July 25, 2013. Exhibit 1. The Department testified that it never received the verification request. Thus, on July 31, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA application was denied effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

Additionally, the Department testified that on July 31, 2013, Claimant contacted the Department and it gave Claimant an extension to submit the verification. See Hearing Summary, Exhibit 1. The DHS caseworker who granted the extension was not present at the hearing. On July 31, 2013, the Department sent Claimant a VCL requesting proof of Claimant's checking account and it was due by August 12, 2013. Exhibit 1. On August 14, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1. The Department testified that if it received the verifications by the new due date, it would have applied it to Claimant's original application date. The Department testified that it never received the verification request. Thus, on August 19, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA application was denied effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

At the hearing, Claimant testified that he did not have a checking account. Claimant referred to the bank account information as a liquid account and/or a direct express account for his pension and social security deposits. Nevertheless, Claimant testified that he did receive the VCL dated July 15, 2013. See Exhibit 1. Claimant testified that he went to his bank and obtained a statement and copies of his account number information. Claimant testified that he then faxed the bank account verifications to his DHS caseworker (who was not present at the hearing). During the hearing, Claimant also provided the DHS caseworker's fax number. In July 2013, Claimant testified that he faxed it from a store and was provided a fax confirmation number. Claimant did not provide a fax confirmation page for the hearing. Subsequent to the fax, Claimant testified that he contacted his DHS caseworker three to four times and never received a response back. The Department testified that it never received a fax from the Claimant.

Moreover, Claimant received the Notice of Case Action dated July 31, 2013, which denied his MA application. Claimant acknowledged that he was given an extension for the documents. Claimant testified that he never received the second VCL dated July 31, 2013. A review of the second VCL dated July 31, 2013, does indicate that it went to Claimant's same mailing address. Claimant testified that he did not resend the verifications nor contact the Department after the extension because he thought he had already provided the documents when they were faxed over in July, 2013.

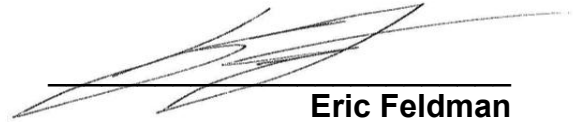
Based on the foregoing information and evidence, the Department properly denied Claimant's MA application effective July 1, 2013, ongoing, in accordance with Department policy. First, Claimant did not credibly testify that he faxed the verifications to the Department because he failed to present a fax confirmation page to support his claim. Second, Claimant failed to rebut the presumption of proper mailing for the

second VCL dated July 31, 2013 because a review of the VCL determined that it was properly mailed. Third, the Department credibly testified that it never received the verification. Additionally, the Department gave Claimant an extension to submit the verifications, which Claimant acknowledges. Claimant never submitted the verifications even though he was given an additional opportunity. In summary, Claimant did not complete the necessary forms to determine his MA eligibility. BAM 105, p. 5.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it properly denied Claimant's MA application effective July 1, 2013, ongoing.

DECISION AND ORDER

Accordingly, the Department's MA decision is AFFIRMED.



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

Date Signed: October 28, 2013

Date Mailed: October 28, 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.

2013-64846/EJF

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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]