

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

IN THE MATTER OF:

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██
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Reg. No.: 2013-64847
Issue No(s): 2018
Case No.: ██████████
Hearing Date: November 6, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 November 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) benefits?

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 June 28, 2013, Claimant submitted an application for MA, retroactive to March 2013.
2. On July 3, 2013, the Department sent Claimant a Verification Checklist instructing Claimant to submit the requested verifications by July 15, 2013. (Exhibit 1)
3. On August 8, 2013, the Department sent Claimant a Notice of Case Action informing him that his application was denied based on a failure to verify requested information. (Exhibit 2)
4. On August 19, 2013, Claimant submitted a hearing request disputing the denial.

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, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), p.1. To request verification of information, the Department sends a verification checklist which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to MA cases, clients are given 10 calendar days to provide the verifications requested by the Department. BAM 130, p.6. If the client cannot provide the verification despite a reasonable effort, the Department is to extend the time limit to submit the verifications up to three times. BAM 130, p. 6. Verifications are considered to be timely if received by the date they are due. BAM 130, p.46 The Department will send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130, p. 7.

In this case, the Department testified that on July 3, 2013, it requested that Claimant submit verification of his Certificate of Deposit, Self-Employment Income, savings and checking account information as well as stock/bond statements by July 15, 2013. (Exhibit 1). The Department stated that because it did not receive the requested verifications by the due date, it sent Claimant a Notice of Case Action denying his application for MA, retroactive to March 2013. (Exhibit 2).

At the hearing, Claimant testified that with his online application, his representative electronically uploaded many of the verifications that were requested by the Department in the VCL, such as three months of bank statements. Claimant stated that he had already turned them in prior to receiving the VCL. Claimant further stated that after uploading the documents, his representative received a confirmation of the submission; however, this confirmation was not presented at the hearing. Additionally, Claimant credibly testified that after receiving the VCL on July 10, 2013, he called the Department

and left a message for his case worker informing her that he would not be able to submit some of the information from the bank such as past bank statements and verification of his certificate of deposit because they could not be accessed online and the bank representative informed him that they would not be ready prior to August 2013. Claimant stated that he requested additional time to submit the verifications, but that he never received a return phone call from the Department.

Under the facts in this case, Claimant informed the Department of the difficulty he was having in submitting the documents and did not indicate a refusal to provide them. Further, if the client cannot provide the verifications despite a reasonable effort, the Department is to extend the time limit up to three times, which it failed to do in this case. BAM 130, p. 5. The Department was unable to refute Claimant's testimony that an extension was requested.

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 did not act in accordance with Department policy when it denied Claimant's June 28, 2013, MA application, retroactive to March 2013.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register Claimant's June 28, 2013, application for MA, retroactive to March 2013;
2. Reprocess the application to determine Claimant's eligibility for MA benefits effective March 2013 ongoing;
3. Issue supplements to Claimant for any MA coverage that he was entitled to receive but did not from March 2013, ongoing; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



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

Date Signed: November 27, 2013

Date Mailed: November 27, 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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]