

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-53366
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: November 21, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on November 21, 2013, from Redford, Michigan. Participants included the above-named Claimant. [REDACTED] appeared and testified by telephone as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) eligibility due to Claimant's failure to submit documentation of disability.

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 1 [REDACTED]/12, Claimant's AHR submitted an MA benefit application on behalf of Claimant, including a request for retroactive MA benefits from [REDACTED]/2012.
2. Claimant's application listed a claim of disability.
3. On [REDACTED]/12, DHS mailed Claimant a Verification Checklist requesting proof of disability.

4. On various dates prior to [REDACTED]/13, Claimant's AHR submitted several medical documents to DHS concerning Claimant's alleged disability.
5. On [REDACTED]/13, DHS denied Claimant's application due to an alleged failure to submit documents concerning disability.
6. On [REDACTED]/13, Claimant's AHR requested a hearing to dispute the MA application denial.

CONCLUSIONS OF LAW

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

Prior to a substantive analysis of the hearing request, it should be noted that the request noted special arrangements in order for Claimant to participate and/or attend the hearing; specifically, an in-person hearing was requested. The request was granted and the hearing was conducted accordingly though Claimant's AHR later requested to appear by telephone; that request was also granted.

Claimant's AHR requested a hearing to dispute an MA application denial. It took multiple hearings to discern, but it eventually was established that DHS denied the application due to an alleged failure by Claimant to submit medical documents in support of a claim of disability.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. For MA benefits, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. *Id.*, p. 2. DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

DHS initially presented testimony that DHS did not receive any documents relating to a claim of disability. Claimant's AHR responded that several documents over several submissions were submitted to DHS. As it happened, DHS had a medical packet concerning an earlier MA application from Claimant alleging disability. A quick glance of the hearing packet verified at least five pages of medical documentation relating to a

claim of disability; in all likelihood, there were probably dozens more. Based on the presented evidence, Claimant complied with the DHS request for proof of disability.

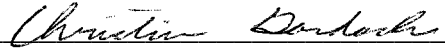
After Claimant verified that the testifying specialist improperly denied Claimant's application, the specialist suggested that the denial might have been proper because Claimant might have failed to verify some other eligibility factor. The specialist's suggestion was purely speculative and wholly unsupported by any evidence. Based on the presented evidence, it is found that DHS improperly terminated Claimant's MA benefit application

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's application dated [REDACTED]/12 requesting MA benefits, including Claimant's request for retroactive MA benefits from [REDACTED]/2012;
- (2) initiate processing of Claimant's application subject to the finding that Claimant provided DHS with all requested verifications.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 12/12/2013

Date Mailed: 12/12/2013

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

CG/hw

cc:

