

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201410255  
Issue No.: [REDACTED]  
Case No.: [REDACTED]  
Hearing Date: December 12, 2013  
County: Calhoun

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 December 12, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

**ISSUE**

Did the Department properly close Claimant's Medical Assistance (MA) or "Medicaid" case due to failure to provide requested verifications?

**FINDINGS OF FACT**

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

1. Claimant received Freedom to Work (FTW) Medicaid benefits.
2. On September 19, 2013, the Department mailed Claimant a Verification Checklist (DHS-1605) which, among other things, requested that Claimant provide a current statement from the checking account at Bank of America. The verifications were due by September 30, 2013.
3. On October 15, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's FTW-Medicaid case effective November 1, 2013, due to failure to provide verification of her bank checking account.

4. On October 29, 2013, Claimant requested a hearing to challenge the closure of her FTW-MA case.

### **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.

The Freedom to Work (FTW) program is an SSI-related Group 1 MA category. BEM 174, p. 1 (7-1-2013). FTW is available to a client with disabilities age 16 through 64 who has earned income. BEM 174, p. 1.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130. The Department sometimes will utilize a verification checklist (VCL) or a DHS form telling clients what is needed to determine or redetermine eligibility. See Bridges Program Glossary (BPG) at page 47. Verifications are considered timely if received by the date they are due. BAM 130.

For MA, the client has 10 days to provide requested verifications (unless policy states otherwise). BAM 130. If the client cannot provide the verification despite a reasonable effort, the department worker may extend the time limit up to three times. BAM 130.

Should the client indicate a refusal to provide a verification or, conversely, if the time period given has elapsed and the client has not made a reasonable effort to provide it, the department may send the client a negative action notice. BAM 130. The department worker must tell the client what verification is required, how to obtain it, and the due date. BAM 130.

Here, the Department contends that Claimant failed to comply with a VCL which requested that Claimant provide a current checking account statement from Bank of America. Claimant, on the other hand, contends that she was confused about what she was to give to the Department. Claimant stated that she had an open checking account with Bank of America but that she had not used the account in more than a year. She testified that Bank of America did not send her any paper or electronic statements about her account in more than a year. Claimant further testified that she left messages with her department caseworker requesting assistance with the verification requests. She

was unable to recall whether the messages were left before or after the September 30, 2013 VCL due date. The Department caseworker testified that she did not bring her telephone log with her to the hearing and could not confirm or deny whether Claimant left any messages in this regard. Claimant also stated that she had moved a few times and failed to update her address with Bank of America.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The case record shows that the Department's VCL requests Claimant provide a current checking and savings account from Chemical. Then the VCL indicates, "[t]hese must be dated within the last 30 days." The VCL also wants a current statement from the checking account from Bank of America. Claimant's confusion was based on her failure to properly update her address with Bank of America, which most likely affected their ability to provide her with regular account statements. The record does show that Claimant provided the Department, on October 8, 2013, with a copy of a Bank of America savings account statement for May 29, 2013 to June 25, 2013. This was unacceptable as it was not a current statement from the last 30 days, which would be from August, 2013 to September, 2013. With regard to Claimant's request for assistance, she could not recall when she left messages requesting assistance with the VCL. The Department sent Claimant a Quick Note (DHS-100) which indicated that the DHS did not receive any current statements or documentation from Bank of America confirming case closure.

Because Claimant cannot recall when she requested assistance, this Administrative Law Judge does not have any evidence that the Department worker failed to properly assist Claimant with regard to the VCL. Here, the VCL was specific and not ambiguous. Claimant should have provided the current Bank of America account information from the last 30 days as indicated in the VCL.

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 closed Claimant's FTW Medicaid case. Claimant must reapply for assistance.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

/s/  
C. Adam Purnell  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 12/13/2013

Date Mailed: 12/16/2013

**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

201410255/CAP

CAP/sw

cc:

