

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-18319
Issue Nos.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: May 8, 2013
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUES

1. Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application benefits for Medical Assistance (MA)?
2. Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application benefits for State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. On September 20, 2012, Claimant applied for MA and SDA benefits.
2. Claimant was required to submit requested verification by October 8, 2012. Exhibit 1.
3. Claimant never submitted all of the requested verification.

4. On November 26, 2012, the Department denied Claimant's application for MA and SDA benefits because Claimant failed to comply with the verification requirements. Exhibit 1.
5. On December 7, 2012, Claimant filed a hearing request, protesting the denial of her MA and SDA application. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (September 2012), p. 5. For SDA cases, allow the client 10 calendar days (or other time limit specified in policy) to provide the verification the Department requests. BAM 130 (May 2012), p. 5. Also, for

SDA cases, if the client indicates refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it, then policy directs that a negative action be issued. BAM 130, p. 5. For MA cases, allow the client 10 calendar days (or other time limit specified in policy) to provide the verification the Department requests. BAM 130, p. 5. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p. 5. Also, for MA cases, if the client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6.

In the present case, Claimant applied for MA and SDA benefits on September 20, 2012. Then, on September 28, 2012, the Department sent Claimant a Medical Determination Verification Checklist (VCL) requesting from Claimant several medical documents which included a DHS-49 Medical Examination Report to be completed by Claimant's physician. Exhibit 1. These documents were due by October 8, 2012. Exhibit 1. The Hearing Summary record indicated that Claimant called prior to the VCL due date and stated that she was in the hospital and requested an extension. Exhibit 1. The Hearing Summary record continued to state that the caseworker (who was not present at the hearing) granted the extension and gave Claimant a verbal extension until October 15, 2012. The Department never received the VCL by the extension due date. However, on October 24, 2012, the Department received some of the requested completed medical forms, but never received the DHS-49 Medical Examination Report. See Exhibit 1. Thus, on November 26, 2012, the Department denied Claimant's application for MA and SDA benefits because Claimant failed to comply with the verification requirements. Exhibit 1.

At the hearing, Claimant testified that she did receive the VCL request. Moreover, Claimant testified that she stayed at the hospital from [REDACTED]. Claimant testified, though, that she was unsure if she contacted the Department prior to the October 8, 2012, due date requesting an extension because she was in the hospital. However, Claimant testified that she did contact the Department after she left the hospital [REDACTED] requesting an extension due to her hospital stay, and also she had difficulty obtaining the Medical Examination Report from her doctor. Claimant could not recall specifically, but she testified that she thought the caseworker granted her an additional week to submit the VCL documents. Nevertheless, Claimant only submitted some of the medical forms required by the VCL and never submitted the Medical Examination Report which was necessary to determine MA and SDA eligibility.


Based on the foregoing information and evidence, the Department did act in accordance with Department policy when it denied her MA and SDA application. The Department did not close Claimant's case until the Notice of Case Action was sent on November 26, 2012. Even if Claimant was granted two additional extensions, the Department allowed Claimant over a month after the October 8, 2012, VCL due date to allow Claimant to submit the VCL documents. Claimant did not submit the Medical Examination Report; thus, she failed to comply with the verification requirements. The Department did act in accordance with Department policy when it denied her MA and SDA application

because Claimant failed to comply with the verification requirements. BAM 130, pp. 5 and 6.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when it denied Claimant's MA and SDA application.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.


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

Date Signed: May 15, 2013

Date Mailed: May 16, 2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

2013-18319/EJF

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

EJF/pf

cc:

