

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201322113
Issue No: 2006
Case No: [REDACTED]
Hearing Date: May 29, 2013
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on December 27, 2012. After due notice, a telephone hearing was held on May 29, 2013. Claimant appeared at the hearing and Claimant's mother and authorized representative, [REDACTED], appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED], an eligibility specialist with the department's Monroe County office.

ISSUE

Whether the department properly denied Claimant's application for Medical Assistance (MA) benefits due to Claimant's failure to provide required verifications?

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 November 15, 2012, Claimant applied for MA benefits.
2. On December 6, 2012, the department mailed Claimant with a Medical Determination Verification Checklist (DHS-3503-MRT), requesting completion of the following six enclosed forms: DHS-0049 Medical Examination Report; DHS-0049-D Psychiatric/Psychological Examination Report; DHS-0049-E Mental Residual Functional Capacity Assessment; DHS-0049-F Medical Social Questionnaire; DHS-1555 Authorization to Release Protected Health Information; and DHS-0049-G Activities of Daily Living) by no later than December 17, 2012 in order that the department may determine Claimant's eligibility for the MA program. The Checklist further advised Claimant that she must advise her specialist by

December 17, 2012 if she required assistance in getting the proofs. (Department Exhibit 1)

3. On December 17, 2012, Claimant submitted a handwritten note to her specialist indicating that she was unable to provide the requested verifications by the December 17, 2012 deadline because Claimant's scheduled medical appointments for completion of the required forms were not until December 19, 2012 and December 20, 2012.
4. On December 18, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that her application for MA benefits had been denied due to her failure to provide the requested medical verifications. (Department Exhibit 2)
5. On December 27, 2012, Claimant submitted a hearing request protesting the department's denial of her application for MA benefits. (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

Department policy provides that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. Department policy further provides that clients must take actions within their ability to obtain verifications and Department staff must assist when necessary. BAM 130, BEM 702. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130. For MA, the client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested. If the client cannot provide the verification despite a reasonable effort, the time limit is extended up to three times. BAM 130. If the client cannot provide the verification despite a reasonable effort, the department should extend the time limit at least once. BAM 130. The department should send a negative action notice when (i) the client indicates a refusal to provide a verification; or (ii) the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, the department provided Claimant with a Medical Determination Verification Checklist, requesting that Claimant complete and return six enclosed

medical forms by no later than December 17, 2012 in order that the department may determine Claimant's MA benefit eligibility. Because Claimant failed to submit any of the completed forms by the December 17, 2012 deadline, the department denied Claimant's MA application on December 18, 2012.

At the May 29, 2013 hearing, the department's representative, [REDACTED], acknowledged that prior to the department's December 18, 2012 denial of Claimant's MA application, the department had in its possession Claimant's timely December 17, 2012 written request for additional time to submit the required medical verifications. In light of this, [REDACTED] further acknowledged that it was department error for the department to have denied Claimant's MA application for failure to provide the required verifications without allowing Claimant up to three extensions of the deadline as required by department policy.

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). Moreover, 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).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the May 29, 2013 hearing, because Claimant timely advised the department that she was unable to provide the requested medical verifications by the original deadline and required additional time to do so, the department did not act in accordance with policy in denying Claimant's application for MA benefits for failure to provide the required verifications without allowing Claimant up to three extensions of the deadline as required by department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act in accordance with policy in denying Claimant's application for MA benefits for failure to provide the required verifications without allowing Claimant up to three extensions of the deadline as required by department policy. Accordingly, the department's actions in this regard are **REVERSED** and the department shall immediately reinstate and reprocess Claimant's November 15, 2012 application for MA benefits and issue supplement checks for any months Claimant did not receive the correct amount of such benefits if she was otherwise entitled to them.

It is SO ORDERED.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 30, 2013

Date Mailed: May 30, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

201322113/SDS

A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/aca

cc:

