

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-34883
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 26, 2013
County: Genesee (25-06)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's April 12, 2012, MA application with request for retroactive MA coverage to February 2012?

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 April 12, 2012, Claimant's AHR filed an MA application for Claimant, along with a retro MA application seeking coverage to February 2012.
2. On May 3, 2012, the Department sent Claimant and the AHR a Verification Checklist (VCL) requesting, among other things, verification of Claimant's checking account by May 14, 2012.
3. The AHR requested, and the Department granted, three extensions of the VCL due date.

4. On June 14, 2012, the AHR requested a fourth extension of the VCL due date to provide the bank verifications.
5. On June 19, 2012, the AHR sent the Department a letter notifying it that the verifications would be dropped off at the Department's office.
6. Neither Claimant nor the AHR provided the bank verifications to the Department.
7. On September 5, 2012, in connection with a request from the Medical Review Team (MRT), the Department sent Claimant a second VCL seeking income information.
8. On December 6, 2012, the Department sent Claimant a Notice of Case Action denying her MA application because she had failed to verify her checking account.
9. On March 5, 2013, the AHR filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

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

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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, in a December 6, 2012, Notice of Case Action, the Department denied Claimant's MA application and retro MA application because Claimant had failed to provide requested bank account verifications.

In a May 3, 2012, VCL, the Department requested verification of, among other things, Claimant's checking account. The AHR asked for extension of the VCL on four occasions. The checking account verifications were never received by the Department at any time prior to the December 6, 2012, Notice of Case Action denying Claimant's application.

At the hearing, both Claimant and the AHR conceded that they had not provided the requested bank verifications to the Department prior to the December 6, 2012, Notice of Case Action denying the application. The AHR argued that because it received the September 5, 2012, VCL requesting Claimant's paystubs, it was led to believe that the verifications requested by the Department in the May 3, 2012, VCL had been received. However, the client has the responsibility to obtain required verification unless

assistance from the Department is requested. BAM 130 (May 2012), p. 7. The Department is required to send a case action notice concerning an MA application when the client indicates refusal to provide verification *or the time period given has elapsed*. BAM 130, p. 6 (emphasis added). Because the Department properly requested the bank account verification and did not receive the verification by the due date, or even by December 6, 2012, when the Notice of Case Action denying the application was sent to Claimant, the Department acted in accordance with Department policy when it denied Claimant's MA and retro MA applications.

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 acted in accordance with Department policy when it denied Claimant's April 10, 2012, MA application with request for retroactive coverage to February 2012.

Accordingly, the Department's MA decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 28, 2013

Date Mailed: August 29, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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.

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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

ACE/pf

cc:

