

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201337796
Issue No: 2006
Case No: [REDACTED]
Hearing Date: August 7, 2013
Kalamazoo 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 March 28, 2013. After due notice, a telephone hearing was held on August 7, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED] an assistance payments supervisor, and [REDACTED] an eligibility specialist, both with the department's Kalamazoo County office.

ISSUE

Whether the department properly closed Claimant's Medical Assistance (MA) benefits due to a failure to verify necessary information?

FINDINGS OF FACT

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

1. Claimant was a recipient of MA benefits at all times relevant to this hearing.
2. On January 31, 2013, Claimant provided the department with correspondence from The Arc Community Advocates indicating that Claimant has funds held in a trust. (Department Exhibit 2)
3. On February 4, 2013, the department mailed Claimant a Verification Checklist (DHS-3503), requesting that Claimant provide the department with: (i) a copy of original trust papers and any changes made; and (ii) records for all assets owned by Claimant. In doing so, the department also provided Claimant with a Medicaid application and requested that she complete the application. This information was due to the department by February 14, 2013. (Department Exhibit 3)

4. Claimant failed to submit the required verifications by the February 14, 2013 deadline and failed to timely request an extension of the deadline.
5. On March 20, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605), informing Claimant that her MA benefits would be closed effective May 1, 2013 because she failed to verify or allow the department to verify necessary information. (Department Exhibit 4)
6. On April 27, 2013, Claimant submitted a hearing request protesting the Department's closure of her 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).

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the BAM, the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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. 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 Verification Checklist, requesting that Claimant verify her assets by providing the department with a copy of original trust papers and any changes made and records for all assets owned by Claimant. Because Claimant failed to submit these required verifications by the February 14, 2013 deadline, the department closed Claimant's MA benefits effective May 1, 2013.

At the August 7, 2013 hearing, Claimant acknowledged having received the Verification Checklist and acknowledged that she failed to provide the department with the information that was requested. Claimant did not provide an explanation for her failure to cooperate with the department's verification process.

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, based on the competent, material, and substantial evidence presented at the August 7, 2013 hearing, that it was Claimant's responsibility to ensure that she timely submitted all required verifications and, because she failed to do so and otherwise failed to provide a reasonable explanation for this failure, this Administrative Law Judge finds that the department acted in accordance with policy in closing Claimant's MA benefits due to Claimant's failure to verify necessary information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that department acted in accordance with policy in closing Claimant's MA benefits due to Claimant's failure to verify necessary information. Accordingly, the department's actions in this regard are **UPHELD**.

IT IS SO ORDERED.

/s/

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

Date Signed: August 7, 2013

Date Mailed: August 8, 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 effect the substantial rights of Claimant;
 - The 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:
Michigan Administrative Hearings System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/hj

cc:

