

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2013-42962
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

ORDER AMENDING 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 July 18, 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], AP Supervisor, and [REDACTED] AP Worker.

At the conclusion of the hearing, a Hearing Decision was generated by Administrative Law Judge Susan C. Burke, dated and mailed August 8, 2013, which is hereby **AMENDED** to correct the decision language from AFFIRMED to REVERSED. All Findings of Fact and Conclusions of Law remain unchanged and are incorporated herein by reference.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

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 applied for MA on February 15, 2013.
2. On March 22, 2013, the Department issued a Verification of Assets form and a Quick Note, with a due date of March 4, 2013.

3. On March 18, 2013, Claimant submitted a checking account with a balance as of January 1, 2013, and a balance as of February 1, 2013.
4. On March 31, 2013, the Department denied Claimant's application for MA, due to not being able to determine assets for Claimant.
5. On April 17, 2013, Claimant requested a hearing, protesting the denial of her MA application.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105; BAM 130 The client should be allowed 10 calendar days to provide the verification. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. *Id.* "Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503, Verification Checklist (VCL), or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification." *Id.*

In the present case, Claimant applied for MA on February 15, 2013. On March 22, 2013, the Department issued a Verification of Assets form and a Quick Note, with a due date of March 4, 2013. The Quick Note stated, "You must have a bank employee complete the Verification of Assets form or you may return a copy of your current bank statement." On March 18, 2013, a person from Claimant's group home, Wallace's Care Centers, Inc., submitted two "Statement of Accounts," one with a balance as of January 1, 2013, and one with a balance as of February 1, 2013. However, the Statement of Accounts did not specify Claimant's name on the account; rather the name of Claimant's group home was on the account. A person from Claimant's group home testified at the hearing that the Statement of Accounts indicated that Claimant's RSDI was deposited into the account for Wallace Care Centers, Inc., for payment for their services.

I do not find that Claimant failed to cooperate, as she complied with to the best of her ability by submitting the information requested to her group home management. It is noted that upon receipt of the Statement of Accounts from the group home

management, the Department did not follow up with a written request further clarifying what was needed from Claimant.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly denied Claimant's MA application.

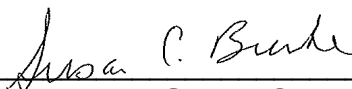
DECISION AND ORDER

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 not act properly.

Accordingly, the Department's MA decision is **REVERSED** for the reasons stated within the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Initiate reinstatement and reprocessing of Claimant's MA application of February 15, 2013.
2. Notify Claimant in writing of its determination with regard to MA eligibility.


Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 13, 2013

Date Mailed: August 13, 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 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 effect the substantial rights of the 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]