

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-43991
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 27, 2013
County: Oakland (63-03)

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, 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 October 9, 2012, Medical Assistance (MA) application?

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 October 9, 2012, Claimant applied for MA.
2. On October 10, 2012, the Department sent Claimant a Medical Review Team Verification Checklist (MRT VCL) with an October 22, 2012, due date, but none of the boxes identifying the requested documents was checked.
3. On October 10, 2012, the Department sent Claimant a Verification Checklist (VCL), with an October 22, 2012, due date, requesting, among other things, medical records concerning his disability.

4. On December 26, 2012, Claimant returned the Medical Examination Report (DHS-49) completed by his doctor.
5. On January 29, 2013, the Department sent Claimant a Notice of Case Action denying his MA application because he had failed to submit the requested medical documents.
6. On April 29, 2013, Claimant filed a request for hearing disputing the Department's actions concerning his MA application.

CONCLUSIONS OF LAW

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

Claimant filed an MA application on October 9, 2012. The Department sent Claimant a January 29, 2013, Notice of Case Action denying the application because he had failed to verify requested information. At the hearing, the Department testified that Claimant had failed to submit the medical documents necessary to refer his case to the Medical Review Team (MRT).

The Department established that it sent Claimant an October 10, 2012, MRT VCL with an October 22, 2013, due date. However, the VCL does not identify which documents Claimant was required to complete and submit. Although the Department also sent Claimant an October 10, 2012, VCL requiring proof of disability, the requested proof was identified as "Medical records about disability." If verifications are required, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 2. In this case, the Department did not clearly identify what verification Claimant was required to provide. Thus, the Department did not act in accordance with Department policy when it denied Claimant's MA application on the basis that Claimant did not provide requested verifications.

Furthermore, Claimant submitted a Medical Exam Report (DHS-49) completed by his family doctor, and credibly testified that he completed the Reimbursement Authorization (DHS-3975), Authorization to Release Protected Health Information (DHS-1555), Activities of Daily Living (DHS-49G), and the Medical Social Questionnaire (DHS-49F) during the October 10, 2012, interview with his Department worker. The Department must send the medical evidence, the DHS-49A, DHS-49B, DHS-49BU, DHS-49F and

the optional DHS-49G to its medical contact person who forwards the completed medical packets to the MRT which determines whether the client is disabled. BAM 815 (June 2012), p. 5. The Medical Social Eligibility Certification (DHS-49A) is used to document MRT's disability decision and is not completed by the client. RFF 49A (October 2010), p. 3. The Department specialist completes the Social Summary (DHS-49B) or Social Summary Update (DHS-49BU), as applicable. BAM 815, p. 3. Thus, based on the above evidence, Claimant provided all the documentation he was required to provide in order to have his medical packet forwarded to MRT.

Although there was evidence that the Department also needed a Medical Examination Report from Claimant's liver specialist to process Claimant's disability case, there was no evidence that the Department requested this documentation in writing from Claimant. Furthermore, Claimant and his friend credibly testified that Claimant's worker had told them at the initial interview that it would send the necessary form to the doctor and Claimant had been unable to get his worker to return calls to him requesting the form.

Based on the above evidence, the Department did not act in accordance with Department policy when it 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 in accordance with Department policy when it denied Claimant's MA application.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's October 9, 2012, MA application;
2. Begin reprocessing the application in accordance with Department policy and consistent with this Hearing Decision;
3. Provide Claimant with any MA coverage he is eligible to receive based on the October 9, 2012, application date;
4. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: July 2, 2013

Date Mailed: July 3, 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 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

ACE/pf

cc:

