

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45021
Issue No.: 2006, 3008
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Macomb-12 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 June 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Due to a failure to comply with verification requirements, did the Department properly deny the Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

I find as material fact based upon competent, material, and substantial evidence on the whole record, including testimony of witnesses:

1. As of March 14, 2013, the Claimant was receiving Food Assistance Program (FAP) benefits.
2. On March 14, 2013, the Claimant applied for MA assistance.
3. On April 11, 2013, the Department sent the Claimant a verification checklist. The verification checklist was due by April 23, 2013.
4. As of April 23, 2013, the Claimant had not returned the requested verifications.
5. On April 23, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's MA application was being denied and FAP benefits were closing effective June 1, 2013 for failing to verify information.
6. Prior to June 1, 2013, the Claimant submitted the requested verifications and as a result, the Department re-instated the Claimant's FAP benefits with no loss in benefits.

7. On May 6, 2013, the Claimant requested a hearing to dispute the MA application denial.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

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

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. (BAM 600).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Testimony and other evidence must be weighed and considered according to its reasonableness.¹ Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.² In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter.³

I have carefully considered and weighed the testimony and other evidence in the record and find the Department's testimony to be slightly more credible than the Claimant as the Department witness had a clearer recollection of the dates, times and events in question. Additionally, I find that more likely than not, [REDACTED] did not call the Department as alleged in the absence of the telephone records to support her statement. And in addition, I find it troubling that when first asked about why the documents were not returned as requested, [REDACTED] didn't indicate she had difficulty obtaining them; she indicated she failed to submit them timely because the bank statements were going to inaccurately portray the assets of the Claimant. For these reasons, I find the Claimant failed to return the requested verifications as required and therefore, the Department acted appropriately in denying the MA application.

¹ *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).

² *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

³ *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

Accordingly, I find evidence to **affirm** the Department's actions.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 5, 2013

Date Mailed: June 5, 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 receipt 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

2013-45021/CAA

CAA/las

cc:

