

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

IN THE MATTER OF:



Reg. No.: 201336295
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on July 31, 2013, from Redford, Michigan. Participants included Sherry Whitenburg of Independent Medical Networks as Claimant's authorized hearing representative (AHR). Participants on behalf of Department of Human Services (DHS) included [REDACTED] Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits due to a failure to verify residence.

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 12/9/11, Claimant applied for MA benefits.
2. Claimant's application listed an authorized representative (AR) who was also Claimant's AHR.
3. On an unspecified date, DHS denied Claimant's application due to Claimant's alleged failure to verify residency.
4. Claimant requested a hearing to dispute the MA application denial.

5. On 8/7/12, an administrative law judge determined that DHS did not request verification of Claimant's residency and ordered DHS to reinstate the application from 12/9/11.
6. Following 8/7/12, DHS did not make efforts in verifying Claimant's residency.
7. On 3/8/13, Claimant's AR/AHR requested a hearing to compel DHS to process Claimant's application.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RTM).

Prior to a substantive analysis of the hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

The present case concerns a failure by DHS to process an MA application dated 12/9/11. It was not disputed that a previous administrative hearing ordered DHS to re-register and process the application.

For all programs, DHS is to use the DHS-3503, Verification Checklist (VCL) to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3. DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. For MA benefits, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. *Id.*, p. 2. DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

Claimant's AHR denied receiving a request for residency verification or a written notice of the case disposition. DHS testimony implied that attempts were made to verify Claimant's residency and there was no response from Claimant. DHS failed to verify that a VCL was sent to Claimant or the AR/AHR. DHS could not even state whether Claimant's application was denied. Based on the presented evidence, it is found that DHS failed to process Claimant's MA benefit application dated 12/9/11 in accordance with their regulations and a previously issued administrative decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process the Claimant's application for MA benefits. It is ordered that DHS:

- (1) re-register, if necessary, Claimant's MA application dated 12/9/11; and
- (2) initiate processing of Claimant's application subject to the finding that DHS failed to request proof of residency in accordance with DHS regulations and a previous administrative decision.

The actions taken by DHS are **REVERSED**.

/s/
Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 23, 2013

Date Mailed: August 26, 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.

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

CH/sw

cc:

