

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-49962  
Issue No.: 2006  
Case No.: [REDACTED]  
Hearing Date: August 5, 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 May 30, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. The Department did not participate in the hearing.

**ISSUE**

Did the Department properly deny Claimant's January 17, 2013, application for Medical Assistance (MA) with retroactive MA coverage to November 2012?

**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 January 17, 2013, Claimant applied for MA, with retroactive coverage to November 2012.
2. Claimant's AHR served as his authorized representative (AR) during the application process.
3. In connection with processing the application, the Department sent Claimant and the AHR a Verification Checklist (VCL) requesting, among other things, that Claimant provide documentation concerning his real property.
4. The Department did not receive any documentation concerning real property.

5. On March 4, 2013, the Department sent Claimant and the AHR a Notice of Case Action denying Claimant's application on the basis that Claimant had failed to verify requested information.
6. On May 23, 2013, the AHR filed a request for hearing disputing the Department's actions.

### **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), 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.

Additionally, as a preliminary matter, it is noted that the Department did not participate in this hearing. The hearing was scheduled as a three-way telephone hearing. The AHR called the Michigan Administrative Hearing System (MAHS) at 2:58 p.m. to indicate it was prepared to proceed with the hearing. MAHS emailed the Department at 3:00 p.m. and 3:30 p.m. to inform the Department that the AHR was prepared to proceed. The Department did not call in. The hearing commenced at 4:00 pm with Claimant's AHR as the sole party-participant.

At the hearing, the Department's hearing summary was read into the record. The summary indicated that the Department denied Claimant's MA application because neither Claimant nor the AHR, acting as Claimant's AR, responded to the Department's VCL requesting documentation concerning real property identified by Claimant as an asset in his application, despite the three extensions granted to respond to the VCL.

In this case, the AHR acknowledged that Claimant had identified real property as an asset on his application and no verification of any real property had been provided to the Department in response to the VCL. The Department may send a case action notice denying an MA application if the client indicates a refusal to provide a verification or the time period given has elapsed. BAM 130 (May 2012), p. 6. Thus, the Department acted in accordance with Department policy when it denied the application for failure to provide requested verifications.

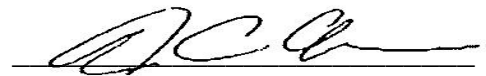
At the hearing, the AHR contended that because the real property at issue was most likely a homestead, which is an excluded asset for MA purposes, the Department should have pursued investigating the nature of the real property at issue before denying the application. Clients and their authorized representatives have a

responsibility to cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. In this case, the AHR acknowledged that it had been unable to reach Claimant itself in order to obtain any information concerning Claimant's real property ownership. Because Claimant identified his assets on his application, the Department acted according to Department policy when it sought verification of those assets, and the burden was on Claimant and his AHR to identify the nature of those assets in order to determine Claimant's MA eligibility.

### **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 acted in accordance with Department policy when it denied Claimant's January 17, 2013, MA application, with retroactive coverage.

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: August 16, 2013

Date Mailed: August 19, 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 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

ACE/pf

cc:

