

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

IN THE MATTER OF:



Reg. No.: 2013-50315
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Assistant Payment Worker.

ISSUE

Did the Department properly close Claimant's Medical Assistant (MA) program benefits effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements?

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 was an ongoing recipient of MA benefits.
2. On March 28, 2013, the Department sent Claimant a Medical Determination Verification Checklist, which was due by April 8, 2013. Exhibit 1.
3. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must have the Medical Examination Report (DHS-0049) completed by his cardiologist. Exhibit 1.
4. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must apply for Social Security benefits in order for him to continue to receive his medical disability benefits. Exhibit 1.

5. In April 2013, Claimant contacted the Department requesting an extension on the medical verification documents.
6. On April 23, 2013, the Department sent Claimant a Quick Note granting his extension and his new due date was May 3, 2013. Exhibit 1.
7. Claimant failed to submit the requested medical verification documents.
8. On May 22, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits would close effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.
9. On June 3, 2013, Claimant filed a hearing request, protesting the denial of his MA benefits. Exhibit 1.

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.

In this case, Claimant was an ongoing recipient of MA benefits. On March 28, 2013, the Department sent Claimant a Medical Determination Verification Checklist, which was due by April 8, 2013. Exhibit 1. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must have the Medical Examination Report (DHS-0049) completed by his cardiologist. Exhibit 1. On March 28, 2013, the Department also sent Claimant a Quick Note notifying him that he must apply for Social Security benefits in order for him to continue to receive his medical disability benefits. Exhibit 1. In April 2013, Claimant contacted the Department requesting an extension on the medical verification documents. On April 23, 2013, the Department sent Claimant a Quick Note granting his extension and his new due date was May 3, 2013. Exhibit 1. The Department testified that Claimant failed to submit the requested medical verification documents. On May 22, 2013, the Department sent Claimant a Notice of Case Action notifying him that his MA benefits would close effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. Exhibit 1.

For MA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (May 2012), p. 5. If the client cannot provide the verification despite a reasonable effort, the Department extends the time limit up to three times. BAM 130, p. 5. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 5. Also for MA cases, if the

client indicates refusal to provide a verification or the time period given has elapsed, then policy directs that a negative action be issued. BAM 130, p. 6. Only adequate notice is required for an application denial. BAM 130, p. 6. Timely notice is required to reduce or terminate benefits. BAM 130, p. 6.

At the hearing, Claimant testified that he did contact the Department requesting his first extension. However, Claimant testified that he again contacted the Department on or before the May 3, 2013 due date requesting an additional extension. Claimant testified that his cardiologist needed to conduct additional tests before completing the Medical Examination Report. Thus, Claimant is inferring that he needed additional time to submit these documents. It should be noted that Claimant acknowledged that he received the Medical Determination Verification Checklist on March 28, 2013. Moreover, the Medical Determination Verification Checklist did request additional documents (i.e., Medical Social Questionnaire form, Activities of Daily Log, etc...), which Claimant did not submit. See Exhibit 1. Claimant testified that the Medical Examination Report was completed by his cardiologist on June 13, 2013. See Exhibit A.


The Department testified that it did not receive any of the documents it requested. Moreover, the Department testified that it did not receive the second phone call which Claimant testified that he was requesting another extension. Nevertheless, the Department testified that it requested the verifications on March 28, 2013 and gave Claimant over a month to submit the documents.

Based on the foregoing information and evidence, the Department properly closed Claimant's MA benefits. The Department properly sent Claimant the Medical Determination Verification Checklist on March 28, 2013. The Department never received the requested documents. The Department appropriately gave Claimant an additional extension request. The Department also credibly testified that it did not receive any additional phone call regarding another extension request. Moreover, Claimant failed to even submit any of the other medical documents that the Department requested on March 28, 2013. Thus, the Department properly closed Claimant's MA case effective July 1, 2013, ongoing, due to his failure to comply with the verification requirements. BAM 130, p. 6.

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 properly closed Claimant's MA case effective July 1, 2013, ongoing.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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 affect the substantial rights of the claimant,
 - 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

EF/hj

cc:

