

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-67764
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: October 28, 2013
County: SSPC East (98)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 28, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor.

ISSUE

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

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 [REDACTED]/13, Claimant applied for MA benefits for herself.
2. At the time of application, Claimant was under 21 years old.
3. Claimant's application listed that she had a checking account.
4. On [REDACTED]/13, DHS mailed Claimant a Verification Checklist (Exhibits 1-2) requesting verification of Claimant's checking account.

5. On an unspecified date, Claimant returned an unsigned Verification of Assets (Exhibits 3-4) form to DHS.
6. On [REDACTED]/13, DHS denied MA benefits to Claimant due to Claimant's failure to verify assets.
7. On [REDACTED]/13, Claimant requested a hearing to dispute the MA benefit denial.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

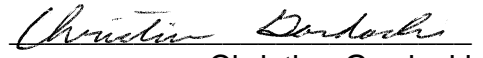
Claimant requested a hearing to dispute a denial of MA benefits. It was not disputed that Claimant was only potentially eligible for MA benefits through the Group 2- under 21 years (G2U) program. It was not disputed that the denial was based on Claimant's failure to verify a checking account.

For G2U, DHS is to consider only the following types of assets: cash (which includes savings and checking accounts), investments, retirement plans and trusts. BEM 400 (7/2013), p. 1. Acceptable verification sources for a checking account are a monthly statement or telephone contact with the institution. *Id.*, p. 62. A verification of assets also proves ownership and/or value of assets. *Id.*, p. 61.

It was not disputed that Claimant timely returned a Verification of Assets form to DHS. DHS did not deem the form to be acceptable verification because the form lacked required information. The first page of the form included information such as Claimant's account number, account balance and date of last withdrawal. The entire second page of the document was incomplete. Thus, the following form sections were not answered: name of the person completing the form, date that form was completed, telephone number of form completer and names on account. To minimize fraud, DHS may reasonably expect that a Verification of Assets is completed by authorized bank personnel. DHS reasonably deemed the form to be unacceptable because the form did not appear to be completed by authorized bank personnel. Accordingly, DHS properly denied Claimant's application due to a failure to verify assets.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefit application dated 7/18/13. The actions taken by DHS are **AFFIRMED**.


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

Date Signed: 11/20/2013

Date Mailed: 11/20/2013

NOTICE OF APPEAL: 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.

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).

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

CG/hw

cc:

