

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20139578
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: Monday April 22, 2013
County: Wayne County (#76)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Monday April 22, 2013 from Detroit, Michigan. Claimant appeared and testified Participant on behalf of Department of Human Services (Department) was [REDACTED] (APS).

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance (MA) application?

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 October 9, 2012, the Department received the Claimant's submitted MA application.
2. On October 11, 2012, the Department sent a medical verification checklist (VCL) requesting various medical documentation due by October 22, 2013. (Exhibit 4)
3. On October 18, 2012, the Department received clinical assessment, psychiatric evaluation, psycho-social assessment, plan of services and physician notes from the Claimant's psychiatric doctor.

4. On October 25, 2012, the Department date stamped, as received, medical documentation (medical exam report, disability certificate, hospital medical records) dated October 17 & 18, 2012 from the Claimant's treating physician.
5. On October 22, 2012, the Department denied the Claimant's application for MA for failure to provide verifications. (Exhibit 2)
6. On October 30, 2012, the Department received the Claimant's written hearing request disputing the action taken by the Department.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (November 2012), p. 5. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. The client must obtain any required verification, however, the Department must assist if needed and/or requested. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. For MA and AMP purposes if the client cannot provide the verification despite a reasonable effort, the Department should extend the time limit up to three times. A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide the verification. BAM 130, p. 5.

The Department requested the Claimant to submit several medical documents by October 22, 2012. It appears the Claimant made a reasonable effort to submit the requested medical documentation. Evidence shows the Claimant had a medical packet submitted from one physician to the Department by October 18, 2012. Claimant testified that she submitted additional medical documentation to the Department in the drop box on the date due October 22, 2012. The Department, however, did not date stamp the material as received until October 25, 2013. Based on having received the initial medical records, the Department should have granted the Claimant at least one

extension. This was not done. Therefore, the Department did not establish that the Claimant failed to make a reasonable effort to provide the requested verifications at the time the application was denied and thus warranted a negative action.

Accordingly, the Department's action is not upheld.

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 did not establish it acted in accordance with policy when it denied the Claimant's October 9, 2012 MA application on October 22, 2012 for failure to provide verifications necessary to determine eligibility..

Accordingly, the Department's MA determination is hereby, **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's October 9, 2012 MA application and process in accordance with policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/3/2013

Date Mailed: 5/3/2013

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:

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- 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

MH/hw

cc:

