

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

IN THE MATTER OF:



Reg. No.: 201411769
Issue No.: 2000; 4002
Case No.: [REDACTED]
Hearing Date: January 23, 2014
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's witness. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's application for State Disability Assistance (SDA) benefits?

Did the Department properly process 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 [REDACTED], 2013, Claimant applied for MA and SDA benefits.
2. On [REDACTED] 2013, the Department sent Claimant a Medical Determination Verification Checklist (VCL) requesting listed medical documents by [REDACTED] 2013.
3. The Department extended the VCL due date to [REDACTED], 2013.
4. The Department did not receive all of the requested documents by the due date.

5. On [REDACTED], 2013, the Department sent Claimant a Notice of Case Action denying his SDA application and his eligibility for Adult Medical Program (AMP) medical coverage.
6. On [REDACTED], 2013, Claimant filed a request for hearing disputing the Department's actions concerning his SDA and MA application.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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. The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Claimant requested a hearing on [REDACTED], 2013, concerning his MA and SDA application that was tied into an [REDACTED], 2013 Notice of Case Action.

Dismissal of MA Hearing Request

The Department presented the [REDACTED], 2013, Notice of Case Action into evidence that denied Claimant's eligibility for SDA benefits and medical coverage under the AMP program. Thus, the [REDACTED], 2013 Notice of Case Action did not address Claimant's MA application (other than denying AMP medical coverage). Under Department policy, the Department has 90 days to process an MA application based on an alleged disability. BAM 115 (July 2013), pp. 15-16. Because there was no notice of negative action concerning Claimant's MA application at the time he filed his [REDACTED] 2013 request for hearing and the standard of promptness to process Claimant's [REDACTED], 2013, MA application had not expired, Claimant was not an aggrieved party with respect to the MA application at the time he filed his request for hearing. Mich Admin Code, R 400.903(1). Therefore, Claimant's [REDACTED], 2013 request for hearing concerning the MA application is dismissed.

At the hearing, the Department testified that, after it received all of the medical documents on [REDACTED], 2013; it forwarded the medical packet to the Medical

Review Team (MRT) for its review. According to the Department, MRT concluded on [REDACTED] 2013 that Claimant was not disabled and not eligible for MA based on a disability. Claimant testified that he had not received a Notice of Case Action concerning that action. Claimant is advised that he can presently request a hearing, in accordance with Department policy, concerning the denial of his MA application or, if he does not receive a notice of case action, the Department's failure to process his MA application. See BAM 600 (July 20130, p. 5).

Denial of AMP Medical Coverage

AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (October 2013), p. 6. The AMP program was not open for enrollment in [REDACTED] 2013, the month of Claimant's application. Therefore, the Department acted in accordance with Department policy when it denied Claimant's eligibility for AMP coverage.

Denial of SDA Application

The [REDACTED], 2013, Notice of Case Action notified Claimant that his SDA application was denied because he had failed to submit documentation to complete a disability determination. At the hearing, the Department established that it sent Claimant a VCL requesting various medical documents, some for completion by Claimant, and others for completion by his doctor(s).

To establish SDA eligibility based on a disability, the client must have medical evidence of the disability which MRT reviews to determine the client's eligibility for assistance based on a disability. BEM 261 (July 2013), pp. 1-2, 6; BAM 815 (July 2013), p. 1. It is the Department's responsibility to obtain evidence of the impairment, either by sending out a request for medical documents to the client's doctor or medical facility or scheduling a general medical exam for the client, but the client is obliged to submit to the Department the Medical Questionnaire, DHS-49F, and the Authorization to Release Protected Health Information, DHS-1555. BAM 815, pp. 3-4.

At the hearing, the Department explained that it denied Claimant's SDA application on [REDACTED], 2013, because he did not provide any of the requested documents by the [REDACTED], 2013 VCL due date or by the date notice was sent. The Department testified that it received some of the requested documents from Claimant on [REDACTED], 2013 when he submitted his request for hearing and the remaining documents on [REDACTED], 2013.

At the hearing, Claimant contended that he had returned all of the documents he was required to complete to the Department, but his testimony was inconsistent concerning when he returned the requested documents, particularly if they were returned before [REDACTED], 2013, when the notice denying his application was sent. While the documents Claimant submitted are dated [REDACTED] 2013, consistent with Claimant's testimony that he had completed the documents when he received them, the only evidence to support that the documents were submitted to the Department was the "[REDACTED], 2013" date stamp showing that they were submitted with his hearing

request. The evidence presented supported the Department's position that Claimant did not timely submit the requested verifications. Therefore, the Department acted in accordance with Department policy when it denied the SDA application for failure to verify.


At the hearing, Claimant testified that he was unable to get his doctor to timely submit requested medical records. While the Department could not deny Claimant's application for failure to provide medical documents from the doctor or treating facility, there was no evidence that Claimant submitted a DHS 1555, which the Claimant must complete himself and submit.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's SDA application and eligibility for AMP coverage.

DECISION AND ORDER

Because the Department had not issued a negative action notice concerning Claimant's MA application at the time Claimant filed his [REDACTED], 2013 request for hearing, Claimant's request for hearing concerning the MA application is DISMISSED.

The Department's SDA and AMP decision is AFFIRMED.


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

Date Signed: February 4, 2014

Date Mailed: February 4, 2014

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

ACE/tif

cc:

