

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

IN THE MATTER OF:



Reg. No.: 2014-24516
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: May 1, 2014
County: Wayne (19)

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, an in-person hearing was held on May 1, 2014, from Inkster, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application for the reason that Claimant failed to submit verifications and/or attend an interview.

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 11/15/11, Claimant applied for MA benefits, including retroactive MA benefits from 8/2011.
2. Claimant's application alleged that Claimant was disabled.
3. Claimant's application listed an authorized representative (AR).

4. On 4/15/13, Claimant's AR submitted medical records to DHS via email (see Exhibit A2).
5. On 7/9/13, DHS mailed Claimant's AR a Verification Checklist requesting proof of disability.
6. The VCL due date was 7/19/13.
7. On 7/25/13, DHS emailed Claimant's medical records to DHS for a second time.
8. On 10/22/13, DHS mailed a Notice of Case Action informing Claimant and the application AR that Claimant's MA application was denied due to a failure to submit medical records.
9. On 12/18/13, Claimant's AR/AHR requested a hearing to dispute the application 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's AR/AHR requested a hearing to dispute an MA application denial. The date of application was initially disputed but DHS subsequently conceded that Claimant's application date was 11/15/12. It was not disputed that DHS denied Claimant's application due to a failure to submit documents supporting a claim of disability.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. For MA benefits, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to three times. *Id.*, p. 2. DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

DHS initially contended that Claimant's application was denied due to a failure to submit documents in 2/2012. DHS conceded that Claimant's alleged submission failure in 7/2013 was the cause of the application denial.

Claimant's AR/AHR testified that medical records were submitted to DHS in 4/2013 and 7/2013, via email. Claimant's AHR presented two emails (Exhibits A2-A4) sent to DHS staff which corroborated the AR/AHR testimony.

The testifying DHS specialist testified that she did not handle Claimant's case in 7/2013. Thus, the testifying specialist essentially conceded that she could not know if Claimant or Claimant's AR submitted medical documents to DHS in 7/2013.

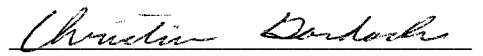
Based on the presented evidence, it is found that Claimant's AR/AHR timely submitted medical records for Claimant to DHS. Accordingly, the denial of Claimant's MA application was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's application dated 11/15/11, including retroactive MA benefits from 8/2011; and
- (2) initiate processing of Claimant's application subject to the finding that Claimant timely submitted requested medical records.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 5/9/2014

Date Mailed: 5/9/2014

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

CG/hw

cc:

