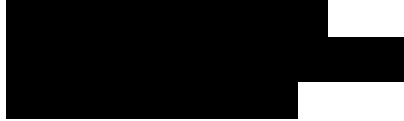


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-000626
Issue No.: 2004;4002;5000
Case No.: [REDACTED]
Hearing Date: MAY 7, 2014
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 7, 2014, from, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's State Emergency Relief (SER), State Disability Assistance (SDA), and Medical Assistance (MA) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. There was no negative action taken with respect to Claimant's SER benefits.
2. On February 24, 2014, Claimant submitted an application for SDA benefits.
3. The Department sent Claimant a Medical Determination Verification Checklist along with other forms for which Claimant was required to complete and submit to the Department by March 24, 2014. (Exhibit 1)
4. On an unverified date, the Department sent Claimant a Notice of Case Action informing him that his SDA application had been denied on the basis that he failed to verify or allow the Department to verify information necessary to determine eligibility for the program. (Exhibit 2).
5. In January 2014, Claimant submitted an application for MA benefits.

6. On April 1, 2014, Claimant submitted a hearing request disputing the Department's actions.

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).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

The hearing was requested to dispute the Department's action taken with respect to Claimant's SER benefits. Shortly after commencement of the hearing, Claimant testified that he understands and is satisfied with the actions taken by the Department and that he no longer had any issues to address with respect to his SER case, as the Department had corrected the action for which Claimant requested a hearing. Claimant confirmed that he did not wish to proceed with the hearing concerning SER. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing is, hereby, **DISMISSED**.

SDA

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 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required how to obtain it, and the due date. BAM 130, pp. 2-3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to SDA cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.6. The Department will send a negative

action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p.6.

In this case, in connection with Claimant's SDA application, the Department testified that it sent Claimant a Medical Determination Verification Checklist (VCL), along with other documents such as a DHS 49-Medical Examination Report, DHS 49F- Medical Social Questionnaire, DHS 49G-Activities of Daily living and a DHS 1555-Authorization to Release Protected Health Information. Claimant was instructed to return the completed forms to the Department by March 24, 2014. (Exhibit 1).

The Department stated that on March 24, 2014, Claimant submitted the DHS 49F, the DHS 49G and the DHS 1555. The Department testified that because it did not receive the DHS 49 that was to be completed by Claimant's doctor, it sent Claimant a Notice of Case Action denying the SDA application based on a failure to verify requested information. (Exhibit 2). Although the Department testified that Claimant's application was also denied because he failed to attend an appointment on March 24, 2014, a review of the evidence presented establishes that Claimant was never clearly notified that he had an appointment at that day and time. Additionally, the Notice of Case Action makes no mention of a denial of the application based on a failing to attend an appointment, so any denial on this basis is improper.

At the hearing, Claimant testified that he received the VCL and that in response, he submitted all of the requested documents that he was able to. Claimant stated that he tried making an appointment to see his doctor prior to the due date of the verifications, but was unable to have an appointment scheduled in time. Claimant credibly testified that he could not turn in the DHS 49 because he could not get an appointment with his doctor.

Additionally, the Department does not have the right to deny an application on the basis that medical documentation was not returned. BAM 815 does not allow the Department to deny an application for failing to return medical evidence, as per policy, Claimant is only required to return a DHS 1555 and a DHS 49F, which he did in this case. BAM 815 (July 2013). The only form missing in this case was the DHS 49-which is a type of medical evidence. If there is a lack of medical evidence, the case is to be denied by MRT for lack of medical evidence, and not as a failure to verify. If there is not enough medical evidence, MRT is to make the finding of no disability. Further, based on the evidence presented, Claimant made a reasonable effort to provide the verifications requested of him and did not indicate a refusal to provide the Department with the requested verifications. BAM 130, p. 6.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's SDA application.

MA

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2013), p. 12. The Department is to certify program approval or denial of the application within 45 days and upon certification of eligibility results, the Department is to notify clients in writing of positive and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 13, 18; BAM 220 (July 2013), p. 1.

In this case, in January 2014, Claimant submitted an application for MA benefits. At the hearing, Claimant testified that he never received any notice or communication from the Department regarding the application. The Department testified that the application was registered and processed. The Department initially testified that Claimant's application was denied because he was ineligible for MA benefits and that he was sent a notice of the denial. The Department failed to produce the Notice of Case Action denying the application for review at the hearing. The Department later testified that a Notice of Case Action informing Claimant of the Department's decision with respect to his MA application was never sent.

It remained unclear based on the Department's conflicting testimony at the hearing and the evidence presented whether or not the Department properly processed Claimant's MA application and determined his eligibility for MA for January 2014, ongoing.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's MA application.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to SER is DISMISSED and the Department's SDA and MA decisions are REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's February 24, 2014, SDA application to determine Claimant's eligibility for SDA benefits as of the application date;
2. Issue supplements to Claimant for any SDA benefits that he was entitled to receive but did not from the application date, ongoing;
3. Register and process Claimant's January 2014, MA application to determine his eligibility for MA benefits as of the application date;
4. Issue retroactive MA benefits to Claimant for any MA coverage that he was entitled to receive but did not from January 2014, ongoing; and
5. Notify Claimant of both decisions in writing.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/16/2014**

Date Mailed: **5/16/2014**

ZB / tlf

CC:

