

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

IN THE MATTER OF:



Reg. No.: 14-000819
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: May 14, 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 14, 2014, from Inkster, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). 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 due to a Claimant failure to submit verifications.

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], DHS received an Assistance Application from Claimant's authorized representative (AR).
2. The application submission also included documents pertaining to Claimant's assets and claim of disability.
3. On [REDACTED], DHS mailed a Verification Checklist (Exhibits 1-2) to Claimant requesting proof of various assets and disability records.

4. On [REDACTED], DHS denied Claimant's MA application and mailed a Notice of Case Action (Exhibits 3-4) to Claimant's AR.
5. On [REDACTED], DHS denied Claimant's MA application and mailed a Notice of Case Action (Exhibits 5-6) to Claimant.
6. On [REDACTED], Claimant's AR/AHR requested a hearing to dispute the MA 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 a denial of Claimant's MA application. It was not disputed that Claimant's application alleged a claim of disability. It was not clear why DHS disputed the MA application.

DHS presented two different Notices of Case Actions. Both notices stated, "You are not under 21, pregnant, or a caretaker of a minor child in your home. You are not over 65 (aged), blind, or disabled." The listed notice reason implied that DHS determined Claimant to be not disabled. DHS conceded that Claimant was never considered for a claim of disability. DHS presented testimony and a hearing summary, both of which contended that Claimant's application was denied due to a Claimant failure to provide proof of assets and disability. Taking DHS at their word, it will be accepted that DHS denied Claimant's application based on an alleged Claimant failure to submit verifications.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (7/2013), p. 3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 6. DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 3.

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. 6. DHS is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. *Id.*, p. 7.

DHS alleged that Claimant and her AR received a VCL (Exhibits 1-2) and failed to return requested verifications by the due date. Claimant's AR/AHR responded that all requested verifications were presented with Claimant's application, weeks before DHS requested verification. During the hearing, DHS checked Claimant's case file and discovered Claimant's verifications stapled to Claimant's application dated [REDACTED]. DHS conceded that Claimant's AR/AHR timely submitted verifications and there was no need to request further verifications from Claimant. Accordingly, the DHS application denial based on an alleged Claimant failure to submit verifications 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 MA application dated [REDACTED]; and
- (2) initiate processing of Claimant's application subject to the finding that DHS timely received medical records and verifications concerning Claimant's assets.

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



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

Date Signed: 5/21/2014

Date Mailed: 5/21/2014

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

