

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000821
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: May 8, 2014
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's Conservator and attorney-in-fact, [REDACTED]. Also participating on behalf of Claimant was his son-in-law [REDACTED] and [REDACTED] who works in accounts receivable at the [REDACTED] where Claimant and his wife (the subject of another hearing) reside. Participants on behalf of the Department of Human Services (Department) included General Services Program Manager [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant applied for retro-active MA in November 2013.
2. On December 2, 2013, the Department mailed a Verification Checklist (VCL) (Exhibit 1 Pages 5-7) to Claimant requesting verification of various assets including life insurance policies with [REDACTED]. Responses were due December 12, 2013.
3. Claimant's attorney-in-fact attempted, without success, to obtain the information from [REDACTED], but otherwise satisfied the VCL.

4. On January 6, 2014, the Department mailed a Notice of Case Action (NCA) to Claimant, denying his application for MA. (Exhibit 1 Pages 8-12.)
5. On February 12, 2014, the Department mailed another VCL to Claimant requesting verification of the [REDACTED] life insurance policies. (Exhibit 1 Pages 14-15). The response was due by February 24, 2014
6. On March 6, 2014, the Department mailed a Quick Note (Exhibit 1 Page 16) to Claimant requesting verification of the [REDACTED] life insurance policies.
7. Throughout the process, Claimant's case worker was also attempting, unsuccessfully, to obtain verification of the Axa policies.
8. On March 17, 2014, the Department mailed another NCA (Exhibit 1 Pages 17-22) once again denying the application for MA retroactive to September 2013.
9. On April 14, 2014, the Department received Claimant's Hearing Request.

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

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.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

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.

The issue is whether the Claimant cooperated, or made a reasonable effort to cooperate, with the Department in determining his eligibility. The evidence is persuasive that the Claimant (through his attorney-in-fact) attempted to obtain the information on the [REDACTED] policies and provide it to the Department. The Department worker ran into repeated stumbling blocks in its efforts to obtain that information.

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 did not act in accordance with Department policy when it denied Claimant's application for retroactive MA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **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. Redetermine Claimant's MA benefit eligibility, retroactive to September 2013;
2. Issue a supplement to Claimant for any benefits improperly not issued.



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

Date Signed: **5/13/2014**

Date Mailed: **5/13/2014**

DTJ / las

cc:

