

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008043
Issue No.: 2002
Case No.: [REDACTED]
Hearing Date: October 06, 2014
County: MACOMB-12 (MT CLEMENS)

ADMINISTRATIVE LAW JUDGE: Robert Chavez

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 October 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for received:
 FIP FAP MA SDA CDC
benefits.
2. Claimant was required to submit requested verification by March 26, 2014.

3. On April 17, 2014, the Department
 denied Claimant's application.
 closed Claimant's case.
 reduced Claimant's benefits.
4. On April 17, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On July 10, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's action.

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 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.

Generally speaking, the Department is to obtain verification when an eligibility factor is unclear or inconsistent, or when required by policy. BAM 130, pg 1 (2014).

With regards to MA applications, extensions may be granted. A negative action notice is generated if the Claimant indicates refusal to supply requested verifications, or if the time period given for providing verifications has elapsed. BAM 130.

In the current case, the Department made a request to Claimant's Authorized Representative (AR) for both sides of a permanent resident alien card and social security card. The Department also requested proof that Claimant had applied for Social Security benefits.

Claimant did not question the validity of these requests. However, policy at BEM 223 and 225 does require verification of citizenship and social security number. Furthermore, there appears to be no dispute that Claimant had not supplied a social security number to the Department with the initial application.

With regards to an application for Social Security benefits, policy at BEM 270 and 271 does require an applicant for disability based MA (the program for which Claimant was applying) to make an application for Social Security benefits.

There is no dispute that Claimant failed to provide verification of both of these factors. Additionally, Claimant requested an extension to provide these documents; per undisputed Department testimony, extensions were granted three times, on February 20, March 2, and March 12, 2014.

Claimant's argument is based on the fact that BEM 223, and BEM 270 do not require immediate furnishing of these verification factors; in their request for hearing, Claimant argues that "DHS should have continued to process eligibility despite not having verification of the SSN," and that "pursuit of SSI is not required until after MA is approved".

The Administrative Law Judge agrees. Policy clearly states what Claimant argues, and the undersigned agrees with all of the legal arguments made by the Claimant.

Unfortunately, these arguments have little merit, given the fact that, when the case was denied on April 17, 2014, eligibility had been processed as far as it was able, and Claimant was approved for MA.

Per Department testimony, on March 26, 2014, the Medical Review Team approved Claimant's application for MA-P benefits. All other eligibility factors had been processed, and MA-P had been provisionally approved, pending verification of SSN and pursuit of SSI benefits.

Despite already having requested three extensions, Claimant did not provide these verifications.

While it is true these verification factors did not need to be received immediately, they did need to be submitted at some point, and Claimant was aware of the need. MA had been approved at the point of application denial, and no further processing of eligibility could have occurred. Claimant submitted neither verification, despite three extensions and a further delay of almost three weeks between MRT approval and application denial.

Therefore, the undersigned holds that the Department was correct to deny the application, as provided for in BAM 130 when there is a failure to return requested verifications after the time limit has elapsed.

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 MA application.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



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

Date Signed: **11/3/2014**

Date Mailed: **11/3/2014**

RJC / tm

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:

