

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-1339
Issue No(s) .: 2008
Case No.: [REDACTED]
Hearing Date: February 27, 2014
County: Otsego

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 February 27, 2014, at the Otsego County Department of Human Services (Department) office. Claimant, represented by [REDACTED] of ADVOMAS, attended and testified. Claimant did not attend. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) due to a failure to comply with the verification requirements?

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 MA benefits on May 17, 2013.
2. Claimant was required to submit requested verifications by June 14, 2013.
3. On June 14, 2013, Claimant's representative requested and was granted an extension to submit the requested verifications with a new due date of June 24, 2013.
4. On June 24, 2013, Claimant's representative requested another extension indicating he was still in the process of pursuing verifications of assets and employment. (Ex. 7).

5. On June 25, 2013, the Department sent Claimant a Notice of Case Action indicating the application for MA/Retro-MA was “denied for failure to return income and asset verifications by original due date of 6/14/13. Due date was extended to 6/24/13 per ADVOMAS request and still no verifications provided. You will need to reapply for benefits.” (Ex. 8).
6. On 6/25/13, the Department denied Claimant’s application. (Ex. 9).
7. On 6/25/13, the Department sent Claimant/Claimant’s Authorized Representative (AR) notice of its action.
8. On 9/13/13, 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 and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (RFT).

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. BAM 130, p 6.

According to the request for a second extension on [REDACTED], the department denied the request and testified during the hearing that it was because Claimant had provided no proof they were using a reasonable effort to obtain the verifications. A review of Claimant’s extension request clearly states they were continuing to pursue verification of assets and employment.

A review of BAM 130, clearly indicates the Department may extend the due date of verifications three times. This was only Claimant’s second request to verify assets and employment. In this Administrative Law Judge’s experience, verifying assets and employment is not usually possible in 10 days from the “mailing” of a Verification Checklist, especially when there is necessarily a weekend involved in every 10 day period. Therefore, a second extension appears not only reasonable and necessary, but in accord with policy.

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 MA.

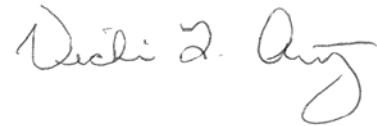
DECISION AND ORDER

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:

Mail Claimant and Claimant's representative a new Verification Checklist if the Department has not already received the requested verifications. If the Department has received the verifications, then process the MA application in accordance with Department procedure.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2014

Date Mailed: March 17, 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

VLA/las

cc:

