

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-15373
Issue No(s): 2002; 2010
Case No.: [REDACTED]
Hearing Date: February 19, 2014
County: Kent

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

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 February 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIM and [REDACTED], ES.

ISSUE

Did the Department properly deny Claimant's application for MA and AMP for herself and Christopher Henry?

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 Medicaid on November 4, 2013. On November 5, 2013, the Department sent Claimant a Verification Checklist due November 15, 2013, requesting bank statements, for Claimant and [REDACTED], as well as employment information and a statement regarding the value of [REDACTED] 401k.
2. Claimant returned some of the requested documentation before the due date.
3. Claimant made no attempt to provide the 401k information before the due date.
4. Claimant received the verification checklist but did not read it fully.
5. On November 19, 2013, the Department denied MA and AMP for Claimant and [REDACTED] for failure to verify and AMP because the program was closed to new enrollment per BAM 640.

6. Claimant has no difficulty with reading or writing.

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).

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.

The Adult Medical Program (AMP) is established by 42 USC 1315 and is administered by the Department pursuant to MCL 400.10.

Additionally, the Department acted in accordance with policy. BEM 640 provides that the AMP is closed to new enrollment for persons who do not qualify by reason of age, disability, or caring for dependents who qualify.. BAM 130 requires denial of the MA application because Claimant did not make reasonable efforts to comply with the verification checklist before the due date.

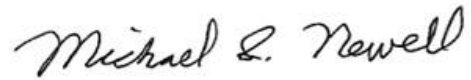
Claimant testified that she did not read the Verification Checklist fully because when she applied, she was told by a worker that she would get something in the mail, and the worker said, according to Claimant “to pay attention to the list” and make sure to fill everything out. The Department sent Claimant a document titled “Verification Checklist’ together with a document titled ‘Verification of Assets.’ Claimant testified that she believed, based on the worker’s statement, that she did not have to read the Verification Checklist, but it was the only document sent to Claimant titled as a list, which the worker instructed Claimant to “pay attention to.” Regardless, Claimant admitted that no one told Claimant not to read things sent to Claimant by the Department. The Department acted in accordance with policy.

The Department only sent Claimant one “Verification of Assets” form and admittedly should have sent two. However, this form addressed banking information (See Exhibits 1 and 2) and did not concern the requested 401k information. In other words, even if the Department arguably erred in this regard, it is not material because Claimant did not take reasonable efforts to comply with the Verification Checklist because she declined to read it fully and , as a result, she did not provide 401k 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 acted in accordance with Department policy when it denied AMP and MA.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 13, 2014

Date Mailed: March 13, 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.

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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

MSN/las

cc:

