

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

IN THE MATTER OF:

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████████████████████
██

Reg. No.: 2014-21511
Issue No(s): 2002
Case No.: ██████████
Hearing Date: March 24, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: JACQUELYN A. MCCLINTON

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 March 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Medical Assistance (MA) application for failure to submit required documentation by the due date?

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 MA benefits in August 2013.
2. Claimant failed to submit all the required documentation and her application was denied.
3. Claimant re-applied for MA benefits on November 6, 2013 with retroactive coverage to at least September 1, 2013.
4. Shortly after Claimant submitted her application, she and her assigned worker discussed what documentation was required to be submitted.

5. On December 2, 2013, the Department sent Claimant a Verification Checklist (VCL) with the required documents due by December 12, 2013.
6. On December 6, 2013, Claimant submitted documentation to the Department.
7. On December 13, 2013, the Department sent Claimant a Notice of Case Action notifying her that her application for MA was denied because she failed to return all required documents by the due date.
8. On December 30, 2013, Claimant filed a request for hearing disputing the Department's actions concerning the denial of her November 6, 2013 MA application.

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.

In this case, Claimant initially filed an application for MA in August 2013.. At that time, she was sent a VCL requiring her to submit specific documents including bank accounts ending in 2467 and 5714. Verification is usually required at application or redetermination. BAM 130 (October 2013), p. 1. Claimant testified that she submitted documentation regarding bank account ending in [REDACTED]4 but not bank account [REDACTED]. As a result, her August 2013 application was denied. Claimant applied for benefits again on November 6, 2013. Claimant was again sent a VCL requesting specific documents including bank accounts ending in [REDACTED] and [REDACTED] as well as self-employment information relating to her husband's business. The requested documents were due by December 12, 2013.

The Department explained at the hearing that Claimant's application was denied because she did not verify account ending in [REDACTED] or her husband's self-employment income. Claimant spoke to her assigned worker before her November 2013 application had been processed and before the VCL had been sent. Claimant testified that during that conversation, her assigned worker indicated that the only document that was needed related to bank account ending in [REDACTED]. Claimant's worker confirmed that the telephone conversation took place but was unable to recall the specifics of the conversation. The Department confirmed that it received documents relating to bank

account ending in [REDACTED] from Claimant on December 6, 2013. Accordingly, Claimant's testimony is found to be credible.

Department policy requires that a negative action be sent when the client refuses to provide verification or when the given time period has elapsed and the client has **not** made reasonable efforts. BAM 130 (October 2013), p. 6. Additionally, if a client is unable to provide verification despite reasonable efforts, the Department is to extend the time limit up to three times. *Id.* There was no evidence that Claimant refused to provide the requested verification. Because Claimant previously submitted documents relating to bank account ending in [REDACTED] and she believed, based on a conversation with her worker, that she was only required to submit information relating to account ending in [REDACTED] with her new application, it is found that Claimant made reasonable efforts to submit the required documents.

The Notice of Case Action indicated that Claimant's application was denied from September 1, 2013 ongoing. The Department explained that the September 1, 2013 date included retroactive MA benefits Claimant requested. During the hearing, Claimant stated that she received medical care in August 2013. It is unclear, from the evidence at the hearing, whether Claimant requested retroactive benefits beginning August or September 2013.

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 November 6, 2013 MA application.

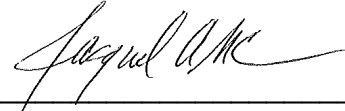
DECISION AND ORDER

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. Reregister and reprocess Claimant's November 6, 2013 application for MA benefits with any requested retroactive coverage;
2. Provide Claimant with any MA coverage she is eligible to receive, including any requested retroactive coverage; and

3. Notify Claimant in writing of its decision regarding Claimant's November 6, 2013 application.



JACQUELYN A. MCCLINTON

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

Date Signed: April 16, 2014

Date Mailed: April 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

2014-21511/JAM

JAM/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]