

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014 21528
Issue No(s): 2002
Case No.: ██████████
Hearing Date: March 13, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist, and ██████████, Assistant Payments Worker.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) and Medical Savings Program (MSP) for failure to timely return verification documents?

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 and MSP on November 25, 2013.
2. On November 25, 2013, the Department sent Claimant a Verification Checklist (VCL) with the requested documents due on December 5, 2013.
3. On December 5, 2013, Claimant requested and was granted an extension of time until December 16, 2013 to return the requested documents.
4. On December 12, 2013, Claimant mailed the requested documents to the Department.

5. The Department received Claimant's documentation on December 18, 2013.
6. On December 23, 2013, the Department sent Claimant a Notice of Case Action notifying him that his application for Medicaid and Medical Cost Share was denied because he returned the verification information after the due date.
7. On January 3, 2014, Claimant filed a request for hearing disputing the Department's actions concerning his November 23, 2013 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), 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.

On November 25, 2013, the Department sent Claimant a VCL. The required documents were due to be returned by December 5, 2013. On December 5, 2013, Claimant requested an extension which was granted. If a client is unable to provide verification despite reasonable efforts, the Department is to extend the time limit up to three times. BAM 130 p. 6, (July 1, 2013).

In this case, the extension required that Claimant submit the requested information by December 16, 2013. Claimant testified that he mailed the documents four days before the due date with the belief that the information would arrive timely. The Department confirmed that it received the required documents on December 18, 2013. Claimant clearly made reasonable efforts to comply with the verification requirements.

Additionally, if the client meets the requirements before the negative action is taken, the Department is required to reactivate the program as well as run eligibility and certify the results. BAM 220 pp. 12-13, (July 2013). Therefore, the Department should have determined Claimant's eligibility once it received the documentation on December 18, 2013 as no negative action had been taken.

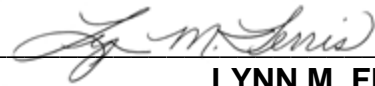
Because the Department failed to determine Claimant's eligibility despite receiving the requested documentation before a negative action was taken, the Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's application for MA and MSP.

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 25, 2013 application for MA and MSP;
2. Provide Claimant with any MA and MSP coverage he is eligible to receive from the date of application ongoing; and
3. Notify Claimant in writing of its decision regarding Claimant's November 25, 2013 application.



LYNN M. FERRIS

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

Date Signed: March 19, 2014

Date Mailed: March 19, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]