

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-24273
Issue No.: 2009; 2010
Case No.: [REDACTED]
Hearing Date: February 26, 2014
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 26, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist (ES), [REDACTED]

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

Did the Department properly close Claimant's case for Adult Medical Assistance (AMP)?

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 received AMP benefits.
2. Claimant applied for MA benefits.
3. There is no DHS-1605, Notice of Case Action in evidence. Per the testimony at the hearing and the Department's hearing summary, on November 4, 2013, the Department denied Claimant's MA application because the Medical Review Team (MRT) determined that the Claimant was not disabled.

4. There is no DHS-1605, Notice of Case Action in evidence. Per the testimony at the hearing and the Department's hearing summary, on November 14, 2013, the Department closed Claimant's AMP case due to the Claimant's failure to submit the required verifications.
5. On November 4, 2013, the Department sent Claimant its decision.
6. On November 12, 2013, Claimant filed a hearing request, protesting the Department's actions.

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.

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

The Claimant testified that she could not get the verification from the [REDACTED] which had been closed. The Claimant asserted that she did leave a note for her worker at the front desk at the local office, informing the worker of her difficulty obtaining verification. The ES at the hearing testified that no such note had been received and indicated that there is a logbook at the front desk at the local office in which Claimants can document what is left there. When asked, the Claimant said she did not sign the [REDACTED] because no one gave her a [REDACTED].

The uncontested fact in this case is that the Claimant was sent a DHS-3503, verification checklist specifying that the required proofs were due by November 4, 2013. It is also not contested that the Claimant did not submit the required verification by the due date. Bridges Administrative Manual (BAM) 130 pp. 2, 3, provides that the Department worker tell the Claimant what verification is required, how to obtain it and the due date by using a DHS-3503, Verification Checklist to request verification. In this case, the Department did just that. The Claimant must obtain required verification, but the Department's worker must assist if they need and request help. If neither the Claimant nor the Department's worker can obtain verification despite a reasonable effort, the Department's worker is to use the best available information. A collateral contact is a direct contact with a person, organization or agency to verify information from the Claimant. It might be necessary when documentation is not available or when available evidence needs clarification. In this case, the Claimant's testimony that she left a note for her ES at the front desk, is found to be less than credible, as it is not supported by any other evidence in the record.

BAM 130 (2012) p. 5, provides that verifications are considered to be timely if received by the date they are due. It instructs Department workers to send a negative action notice when the client indicates a refusal to provide a verification, or when the time period given has elapsed and the client has not made a reasonable effort to provide it. In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed, but the Claimant had made no reasonable effort to provide the verification.

As such, the Administrative Law Judge concludes that the Department has not met its burden of establishing that it was acting in accordance with policy when taking action to close the Claimant's case for failure to submit the required verification.

During the hearing, the uncontested testimony was that the Claimant was notified of the AMP closure and the MA denial on November 4, 2013. The Claimant requested the instant hearing using a DHS-18, Request for a Hearing form that is sent to her from the November 4, 2013 notice. Also, the Department's first hearing summary indicates that it prepared for MA disability hearing. The Claimant testified that she thought she had requested a hearing on both issues. The hearing packet contains none of the Claimant's medical information and, as such, the hearing on the Claimant's MA issue could not proceed. Bridges Administrative Manual (BAM) 600 p. 5, provides that only MAHS may deny a request for hearing. It instructs departmental personnel to accept and forward all hearing requests to MAHS.

In this case, it appears that the Department did initially prepare for and MA disability hearing for the Claimant. Subsequent to that a new hearing summary was written omitting the issue of the MA disability and, as such, the Department simply did not include the medical packet to prepare for the hearing. BAM 600, pp. 17, 18, provides that a medical packet should be submitted with the hearing summary to the hearing coordinator to properly prepare for the hearing. BAM 600, p. 20, provides that a copy of the hearings packet must be sent to MAHS as well as the Claimant. The evidence establishes that one or more of these things did not occur in this case.

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 acted in accordance with Department policy when it took action to close the Claimant's AMP case. The Department is not acting in accordance with policy when it does not properly prepare for the Claimant's hearing request on her at MA issue.

DECISION AND ORDER

- AFFIRMED with respect to the Department's closure of the Claimant's AMP case. The Claimant's hearing request for her MA issue must be reprocessed in accordance with BAM 600.

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. Reprocessed the hearing request for MA disability in accordance with BAM 600.



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/5/14

Date Mailed: 3/6/14

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

2014-24273/SEH

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

SEH/tb

cc:

