

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-33249
Issue No(s): 2002
Case No.: [REDACTED]
Hearing Date: April 30, 2014
County: Macomb-12

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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 April 30, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the [REDACTED], Appeals Department Manager for [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUE

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

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's agent, Advomas, applied for retroactive MA on October 28, 2013.
2. On November 26, 2013, the Department mailed a Verification Checklist to Claimant with a due date of December 6, 2013.
3. On December 6, 2013, December 16, 2013, and December 26, 2013, [REDACTED] requested, and was granted, 10-day extensions to submit proof that Claimant had applied for Social Security Disability benefits. (Exhibit 1 Pages 4-6.)
4. In a Notice of Case Action (NCA) dated January 13, 2014 (Exhibit 1 Pages 2-3), Claimant was notified that his MA was denied effective September 1, 2013 because "Proof of SSI application not submitted. No information indicating application on SOLQ."
5. On March 20, 2014 [REDACTED] requested a hearing.

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.

“Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews.” BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The issue is whether the Claimant provided timely verification in response to the request. The evidence is persuasive that the VCL was mailed to the Claimant’s agent. The evidence also establishes that the Claimant – and his agent- did not fully respond or make a reasonable effort to respond by the deadline. Claimant’s agent provided for the hearing a copy of an online application (Exhibit A) Claimant’s attorney submitted to the SSA on October 15, 2013. It was inexplicable why a document that was within the possession of Claimant’s agent was not discovered and submitted prior to the end of the third extension of the VCL deadline. It is also inexplicable why that application was not noted in the State Online Query (SOLQ), but that is all the more reason why Claimant should have submitted the copy of the online application.

The Department does not dispute that Claimant had applied with the SSA before the deadline. Ultimately, if Claimant is found by the SSA to be disabled, there might be an opportunity for him to have retro coverage for September.

BEM 260 at 2 (7/1/13) instructs the Department:

Process a previously denied application as if it is a pending application when all of the following are true:

The reason for denial was that the MRT determined the client was not disabled or blind, and

The Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application.

Claimant has subsequently submitted another application for retro Medicaid, and that application is pending. The Department now has confirmation that Claimant had applied with the SSA even before he applied to the Department for MA. Unfortunately for him, that does not ameliorate the effect of the failure to verify information by the deadline of December 6, 2013.

Because he did not comply by timely providing his verification, the Department properly denied his MA application.

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 closed Claimant's MA and FAP benefits.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 5, 2014

Date Mailed: May 5, 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

DJT/las

cc:

