

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

**IN THE MATTER OF:**



Reg. No.: 15-002048  
Issue No.: 2002  
Case No.: [REDACTED]  
Hearing Date: April 14, 2015  
County: Midland

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 April 14, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] as authorized hearings representative and power of attorney for her mother. Participants on behalf of the Department included [REDACTED] and [REDACTED] as hearings facilitators.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny the Claimant's application for Medical Assistance (MA)?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 30, 2014, the Department received the Claimant's application for Medical Assistance (MA) completed by her daughter and power of attorney.
2. On January 6, 2015, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 16, 2015.
3. On January 27, 2015, the Department notified the Claimant that it had denied the application for assistance.
4. On February 9, 2015, the Department received the Claimant's request for a hearing protesting the denial of Medical Assistance (MA).

## **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency and the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2014), p 5.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (October 1, 2014), pp 1-9.

On December 30, 2014, the Department received the Claimant's application for MA benefits. The application for assistance was submitted by the Claimant's daughter and power of attorney. On January 6, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting verification of information necessary to determine her eligibility for benefits. The Claimant's representative provided some of the material that was requested for did not provide all of the required information. On January 27, 2015, the Department notified the Claimant that her application for assistance had been denied.

The Claimant's representative testified that she had difficulties obtaining all of the information that had been requested. The Claimant's representative testified that she had been unable to get information from the Social Security Administration because that agency refused to acknowledge her as the Claimant's power of attorney. The Claimant's representative testified that her calls to the Department were not answered in a timely manner.


This Administrative Law Judge finds that the Claimant's representative had not refused to provide the Department with the information necessary to determine eligibility for benefits.

However, this Administrative Law Judge finds that the Claimant and her representative have failed to make a reasonable attempt to obtain the requested information and that benefits cannot be approved until this information is provided. It is the duty of the Claimant to provide the information necessary to determine her eligibility for benefits. It is not a duty of the Department to act as their representative before the Social Security Administration or to provide them with legal advice.

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 the application for Medical Assistance (MA).

### **DECISION AND ORDER**

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

  
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Kevin Scully  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **4/15/2015**

Date Mailed: **4/15/2015**

KS/las

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

