

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-003071
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 6, 2015
County: Wayne (82)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 6, 2015, from Detroit, Michigan. [REDACTED] testified and appeared as Claimant's legal counsel. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], specialist, and [REDACTED], supervisor.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application for the reason that Claimant failed to submit verifications.

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 [REDACTED], Claimant applied for MA benefits.
2. Claimant's application stated that Claimant had an authorized representative (AR).
3. On [REDACTED], DHS mailed Claimant's AR a Verification Checklist (VCL) requesting various verifications.
4. The VCL due date was [REDACTED], a state holiday.
5. On [REDACTED], Claimant's AR requested an extension of the VCL due date.

6. On [REDACTED], DHS denied Claimant's application due to a failure by Claimant to timely submit verifications.

CONCLUSIONS OF LAW

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. DHS (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. DHS 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).

Claimant's attorney requested a hearing to dispute a denial of MA benefits. It was not disputed that DHS denied Claimant's application due to an alleged Claimant failure to return requested verifications.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (7/2014), p. 3. For MA benefits, DHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. *Id.*, p. 7. For MA benefits, if the client cannot provide the verification despite a reasonable effort, DHS is to extend the time limit up to two times. *Id.* DHS is to send a negative action notice when:

- the client indicates refusal to provide a verification, or
- the time period given has elapsed.

Id., p. 6.

DHS mailed Claimant a VCL giving Claimant until [REDACTED] to return requested verifications. DHS offices were closed on [REDACTED]. DHS conceded that a VCL due date should be extended when it falls on a date when DHS offices are closed. Thus, Claimant's updated submission due date was [REDACTED].

DHS testimony conceded that Claimant's attorney requested an extension of the due date on [REDACTED]. DHS presented testimony that Claimant's attorney's request for extension was overlooked until after Claimant's application was denied. DHS conceded that Claimant's application was improperly denied because Claimant's attorney's VCL due date extension request was not granted. The DHS concessions were consistent with presented facts.

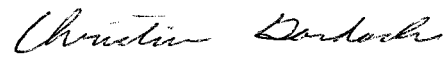
It is found that DHS improperly failed to extend Claimant's verification deadline despite Claimant's attorney's request for extension. Accordingly, the denial of Claimant's MA application was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reregister Claimant's application dated [REDACTED]; and
- (2) issue an updated VCL granting Claimant's attorney's request for extension.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/8/2015**

Date Mailed: **4/8/2015**

CG / hw

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:

