

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-13156
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 4, 2009
Benzie County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 claimant's request for a hearing. After due notice, an in-person hearing was held on April 4, 2009.

ISSUE

Did the DHS properly close claimant's MA-P and SDA cases on the grounds that claimant failed to comply with the DHS verification requests?

FINDINGS OF FACT

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

- (1) On January 14, 2008, claimant filed a hearing request.
- (2) On January 22, 2008, the DHS prepared a Hearing Summary which states in part:

Client reapplied for Medicaid and State Disability Cash Assistance on October 7, 2007. He had been approved since June 15, 2006. On October 31, 2007, packet was returned with a denial for both

programs. Client returned Page 2 of FIA-1150 with an in-person hearing request.

(3) On October 28, 2008, the DHS issued an SSI Advocacy Program Instructions for SSI Application Appeals (DHS-1553) which instructs claimant that to date he had not filed an SSI appeal. The form states: If no appeal is filed in 60 days of denial, refer to PEM 271 for SDA closure/MA-P procedures. The form states: This is the fourth notice for the client. Exhibit #59.

(4) On December 5, 2008, the DHS issued notice to claimant informing him that he needed to file an SSI application. Exhibits 59 and 60.

(5) On December 17, 2008, the DHS issued notice to claimant that effective December 31, 2008, his benefits will stop for the following reason: "You failed to comply with the requirement: Pursue an appeal of your SSI claim."

(6) On January 14, 2009, the claimant filed a hearing request.

(7) Subsequent to claimant's hearing request, the local office and SOAHR incorrectly processed claimant's file as an MRT file.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the case herein is found primarily in PEM Item 270. That item was titled "Pursuant to Benefits." That item requires individuals who are in receipt of and/or beneficiary of welfare programs to pursue eligible benefits. This policy specifically states that for MA refusal to pursue any possible benefit results in eligibility for which an individual may be entitled. Included in the types of potential benefits are SSI and RSDI benefits. PEM Item 270, page 1.

Other general verification policy and procedure requires the department to clearly indicate to individuals what is necessary for verification and when it is due. In this case, evidence on the record indicates that the department clearly communicated with claimant as to what was necessary and when it was due. See Exhibit 59-61.

After careful review of the substantial and credible evidence on the whole record, this ALJ finds that the department correctly closed claimant's cases based on the grounds that claimant failed to pursue benefits as required under PEM 270 and as was instructed. Claimant was given four separate notices. (See Exhibit #59.) As the department's actions are correct under policy and procedure, those actions must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's actions were correct.

Accordingly, the department's denial of claimant's case was correct and is hereby
UPHELD.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 16, 2010

Date Mailed: June 17, 2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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 was made, within 30 days of the receipt date of the rehearing decision.

JGS/tg

cc:

