

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: 2008-20229
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 19, 2009
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 19, 2009.

ISSUE

Was good cause established for noncompliance with timely verification requirements?

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 March 31, 2008, the claimant applied for Medicaid and was denied on April 18, 2008 based on non-verification of his citizenship per PEM 225.
- (2) On April 7, 2008, the DHS requested the claimant to verify identity/citizenship for both adults and citizenship for the minor children by April 17, 2008.
- (3) Claimant's citizenship verification was not submitted by the due date.

(4) Claimant relied on “ [REDACTED] ” to advise him of his required responsibilities insofar as timely verification requirements.

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).

Facts above are undisputed.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

Good Cause --- A circumstance which is considered a valid reason for not complying with a requirement. PRG Glossary, page 15.

Claimant testified that he was in the hospital during the above-mentioned due date, but not bedridden; and that he relied on [REDACTED] ” to help him in his relationship with the DHS regarding his Medicaid application. He admitted that [REDACTED] ” is not part of the DHS.

Claimant timely complied with verification of the identity and citizenship of his wife and two minor children. So, he was well aware that he lacked the citizenship verification for himself. "[REDACTED]" is not part of the DHS. Therefore, claimant had the responsibility to follow up with "[REDACTED]" to make sure it timely verified his citizenship. Otherwise, he had the responsibility to contact the DHS for an extension of time because of any delay in obtaining his own citizenship verification. There is nothing in the evidence to establish that it was beyond the claimant's control to have timely contacted the DHS for an extension of time.

Therefore, this Administrative Law Judge is not persuaded by the preponderance of the evidence that the claimant has established good cause for his noncompliance with timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for noncompliance with timely verification requirements.

Accordingly, Medicaid denial is UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 7, 2009

Date Mailed: July 7, 2009

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.

WAS/cv

cc:

[REDACTED]