

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: 2008-20780

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 26, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 26, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether the department properly applied department policy to claimant's circumstances.

FINDINGS OF FACT

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

- (1) January 30, 2008, the department received claimant's Medical Assistance (MA) application.
- (2) Verification Checklist was issued and a due date was set for required proofs.

(3) Several extensions of the due date were requested and granted. The final request for extension is dated March 14, 2008 but was received by a fax at the department on March 25, 2008. Department Exhibit A, pg 6.

(4) March 16, 2008, the previous extension request expired. Verifications were not received. March 17, 2008, the department sent and claimant's representative written notice that the application was denied due to proofs not being received. Department Exhibit A, pgs 2-3.

(5) According to documentation attached to the claimant's hearing request, claimant's authorized representative provided the birth certificate to the department on Saturday, March 29, 2008, eleven days after the application was denied.

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).

Allow the client ten calendar days or other time limits specified in policy to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least three times for MA. Verifications are considered to be timely if received by the date they are due. Send a negative action notice when the client indicates refusal to provide a verification or the time period has elapsed. Bridges Administrative Manual (BAM 130; 42 CFR 435.913(a); 42 CFR 435.916(b); MCL 400.37; Public Law 109-171.

In this case, the department properly provided claimant and representative with written notice of required proofs. Claimant's representative requested and was granted several extensions of deadlines. The department denied the application at the end of the last extension granted to claimant's representative. The AHR, the representative, subsequently requested additional time, however, a request was not received until after the application had been denied. Accordingly, the department has met its burden of proof that it properly denied claimant's application and its action must be upheld. Finding of Fact 1-5.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for Medical Assistance due to failure to provide required proofs.

Accordingly, the department's action is, hereby, UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 19, 2010

Date Mailed: March 24, 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.

2008-20780/jab

JAB/db

cc:

