

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: 2008-25745
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2009
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Kenneth Poirier

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 hearing was held on July 22, 2009, by telephone, in Detroit, Michigan. The Department received the claimant's Request for a Hearing on April 24, 2008. The claimant, [REDACTED], appeared and testified. Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly close the claimant's Medical Assistance case due to the claimant's failure to provide required verification?

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 April 15, 2008, the Department sent to the claimant a Notice of Case Action, advising

the claimant that his Medical Assistance coverage would be canceled, with an effective date of April 29, 2008.

2. The claimant's coverage was canceled because the claimant had not submitted sufficient proof showing that he had a minor child living in his home.
3. The claimant is married, and with his wife has an 11-year-old son.
4. For at least the past two years the claimant and his wife have been living separately, about one half mile apart, although no court orders have been issued concerning the legal status of their marriage.
5. During the past two years, the claimant's son has been living with the claimant's wife, and with the claimant, spending different amounts of time in each location.
6. Also during the past two years, the claimant has been hospitalized at different times for heart surgery and for health issues related to his appendix, and the claimant has traveled to various locations outside the Metropolitan Detroit area, and outside Michigan, to find work.

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("Department"), formerly known as the Family Independence Agency, 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, and the Program Reference Manual.

Claimants must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the claimant's verbal or written

statements. PAM 130, p. 1. Claimants are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medical Assistance purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.*

The claimant testified at the July 22, 2009 hearing held in this matter that it was very difficult for him to give objective proof of the extent to which his son was living with him. The claimant further testified that his son lived with him, or with the claimant's wife, as his son wished. The claimant also testified that he, the claimant, spent "quite a bit of time" out of town looking for work. Neither the claimant's wife nor his son was present to testify at the hearing. The claimant offered no documentary evidence to show the extent to which his son was living with him.

It is concluded that the claimant has not fulfilled his duty to cooperate with the Department in establishing Medical Assistance eligibility by showing that his son lived with him. Accordingly, the Department's Medical Assistance closure should be UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department appropriately closed the claimant's Medical Assistance case due to the claimant's failure to provide required verification.

It is ORDERED that the Department's closure of the claimant's Medical Assistance is UPHELD.

/s/

Kenneth P. Poirier
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

KP/jlg

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