

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: 2008-29887

Issue No: 2006; 4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 14, 2009

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 May 14, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) due to his failure to provide required documentation?

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 May 6, 2008, claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA).

(2) On July 8, 2008, claimant was sent a Verification Checklist (DHS Form 3503) requesting required forms and documentation. The information was due on July 23, 2008.

(3) On July 24, 2008, some of the required forms were received at the department local office. The forms were not valid because they had not been signed.

(4) On July 24, 2008, claimant was sent a Benefit Notice Form (DHS-176) which stated claimant was not eligible because he failed to provide verifications.

(5) On August 4, 2008, claimant submitted a request for hearing.

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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

None of the above facts are disputed. Claimant did not provide the required documentation within the required amount of time. During the hearing claimant stated that he spoke to the caseworker after the application was denied. Claimant testified that the caseworker

told him the documents were not accepted and that he should re-apply. Claimant stated he did re-apply and provided all the required information.

At the hearing the department representative stated that claimant's file contains an application dated October 16, 2008. There is a hand written note on the application "duplicate app – hearing pending". During the hearing it could not be determined exactly when claimant submitted another application, or specifically what happened with any other application. No specific order is given regarding any application after the one dated May 6, 2008. However, the department is reminded that a pending hearing on a denied application does not stop the processing of any subsequent application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) due to his failure to provide required documentation.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/


Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 18, 2009

Date Mailed: May 20, 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 mailing 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.

GFH 

cc:

