

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: 2008-29913  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 23, 2009  
Macomb 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 June 23, 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) Negative action: Medicaid application on August 9, 2006 was denied on May 20, 2008 based on noncompliance with timely verification requirements per PAM 130.
- (2) On April 30, 2008, the claimant (deceased on October 16, 2006) and [REDACTED] were given a Verification Checklist with a return due date of May 8, 2008.

(3) On May 8, 2008, the DHS gave the claimant/representative an extension until May 19, 2008 due to a delay in [REDACTED] getting the claimant's death certificate from the county.

(4) On May 16, 2008, [REDACTED] requested a second extension by fax to a DHS representative who had never been involved in the case; the DHS had no information of the faxed request.

(5) On May 20, 2008, [REDACTED] received the death certificate verification, but did not submit it to the DHS until May 29, 2008.

### 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.

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**-----circumstance which is considered a valid reason for not complying with a requirement. PRG Glossary, page 15. The DHS representative testified that she never received the second requested extension to obtain the death certificate.

The [REDACTED] representative testified that she made a second requested extension on May 16, 2008 (before the expiration of the first extension on May 19, 2008; and that, evidently, she

2008-29913/was

assumed that the DHS received the second request and would approve it unless otherwise put on notice that it was denied.

It was [REDACTED] responsibility to follow up with the DHS regarding the second requested extension. In this case, [REDACTED] received the death certificate on May 20, 2008 and waited to submit it until May 29, 2008. This ALJ is not persuaded by the evidence that it was beyond [REDACTED] control to have submitted the death certificate verification to the DHS on same date (May 20, 2008); therefore, good cause was not established by [REDACTED] for the untimely verification.

Further, at the hearing [REDACTED] indicated that it had received information from SSA that the decedent had received SSA retroactive benefits, and that this verification question would probably be a moot question.

#### 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 the noncompliance with timely verification requirements.

Accordingly, Medicaid denial UPHELD.

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

Date Signed: July 9, 2009

Date Mailed: July 9, 2009

2008-29913/was

**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/tg

cc:

