

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: 2008-30040

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 30, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

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 July 30, 2009. Present were Margie Fuller, Case Manager Elsie Colbert, Family Independence Manager, and [REDACTED], claimant. All parties were sworn.

ISSUE

Whether the Department properly denied the claimant's Medical Assistance application.

FINDINGS OF FACT

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

1. [REDACTED] was married on April 6, 2008 and became [REDACTED]  
[REDACTED]

2. On June 18, 2008, [REDACTED] was sent an application for Medicaid (DHS-1171) and a verification checklist. The due date was June 30, 2008.
3. Since the application was not received, the case was put into negative action on July 12, 2008.
4. Claimant returned the incomplete and unsigned application on July 22, 2008, within (10) ten days, and the application was not closed.
5. [REDACTED] indicated that she had married and showed her husband's income.
6. During the hearing, it was agreed by the parties that they will reprocess her claim with an effective date of July 22, 2008 if she completes the application and signs it.

#### CONCLUSIONS OF LAW

The Medical Assistance ("MA") 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 ("DHS"), formally 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 ("PEM"), and the Program Reference Manual ("PRM").

Under PAM, Item 105, customers must cooperate with the local office in determining initial and ongoing eligibility. This includes completing necessary forms. Customers must take actions within their ability to obtain verification. The local office must assist customers who ask for help in completing forms or gathering verification. Particular sensitivity must be shown to customers who are illiterate, disabled, or not fluid in English. The agency must allow the client 10 calendar days (or other time limit

specified in policy) to provide verification requested. If the client cannot provide the verification despite a reasonable effort, the agency must extend the time limit at least once. The agency is to send a negative action notice when (a) the client indicates a refusal to provide a verification, or (2) the time period given has elapsed and the client has not made a reasonable effort to provide it. Only adequate notice is required for application denial. PAM, Item 130.

The parties have agreed that the claimant can complete her application and the Department will process it with an effective date of July 22, 2008, when it was received. A determination will then be made based upon the information completed.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the parties have reached a settlement.

Accordingly, it is ORDERED that the claimant will complete her application and the Department will process it based upon a July 22, 2008 application date, consistent with the settlement herein.

/s/  
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Susan Payne Woodrow  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 2, 2009

Date Mailed: August 11, 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.

SPW/law

cc:

