

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: 2008-31170

Issue No: 2006

Case No. [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 23, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 February 23, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) case for failure to return requested verifications?

FINDINGS OF FACT

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

- (1) Claimant had been a MA recipient.
- (2) The Department sent Claimant an annual review packet on June 25, 2008. The packet included a Verification Checklist, a form DHS-3505. (Exhibit 4). The checklist requested

paycheck stubs for the past 30 days. In this case, claimant does not work so he would have been allowed to provide asset information. The Verification Checklist also stated: “Medical review only any other program please contact me. [sic]. Birth certificate’s for household”[sic]”

(3) After reading the Verification Checklist, Claimant was confused and thought he needed to provide some medical documentation. He also believed that he needed an extension to provide the medical documentation.

(4) As a result, on [REDACTED] Claimant called his caseworker to ask for an extension to get medical documentation. The Department worker did not explain to Claimant that the Checklist did not seek medical documentation nor what information he could provide instead of paycheck stubs. The worker did not assist Claimant and he did not get an extension.

(5) The Department sent Claimant a Notice of Case Action, dated July 16, 2008, stating that his case would be closed effective July 29, 2008 because he “failed to return the redetermination form.”

(6) The Department closed Claimant’s case on July 29, 2008.

(7) The Department received Claimant’s hearing request on August 19, 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. A section of the application form has the same title and information. These documents tell clients that DHS must help persons fill out the application when requested.

(PAM 105, pg. 10)

In this case, Claimant did not refuse to cooperate with the department. To the contrary, Claimant called his assigned Department worker and requested an extension. He called on [REDACTED] [REDACTED] which was before the July 9, 2008 deadline. Claimant attempted to explain that he needed more time to provide the medical documentation requested. It is found that Claimant's call was a request for assistance. At that time, the worker did not explain to Claimant that the Verification Checklist did not seek any medical documentation. Therefore, it is found that the Department worker did not attempt to assist claimant. Under these circumstances, it is found that the Department worker failed to assist Claimant despite his apparent confusion about what verifications the Department was seeking.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's MA case.

Accordingly, the Department's action is REVERSED. The Department is ordered to calculate the MA benefits that Claimant was eligible to receive had his MA case not been improperly closed and issue any retroactive MA benefits he is eligible to receive.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 26, 2009

Date Mailed: March 3, 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.

TLW/cv

cc:

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