

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: 2008-16643  
Issue No: 2021  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 18, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 February 18, 2009, in Detroit/Greydale. Claimant personally appeared and testified under oath. Claimant was represented by [REDACTED].

Administrative Law Judge appeared by telephone from Lansing.

The department was represented by Ida Crum (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did claimant properly comply with the department's request (April 22, 2008) for verification of claimant's wife's income (May 2007) with a due date of May 22, 2008?

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 August 30, 2007, claimant [REDACTED] applied for MA-P.
- (2) On April 22, 2008, the caseworker sent an Income Verification Request (DHS-3503) to claimant [REDACTED].
- (3) The DHS-3503 requested that claimant [REDACTED] verify claimant's wife's self-employment income by May 22, 2008.
- (4) Claimant did not file an income tax return in 2007. The only record of claimant's wife's self-employment income was bank statements issued by [REDACTED].
- (5) On April 17, 2008, [REDACTED] Fed-Exed approximately 100 pages of [REDACTED] [REDACTED] records to: Ms. Dolkey, DHS, 1733 Greystone Avenue, Detroit, Michigan.
- (6) On April 18, 2008, at 8:59 a.m., the [REDACTED] statements were delivered by Fed-Ex to the Greystone office.
- (7) On some unknown date, the caseworker denied claimant's MA-P application due to claimant's failure to verify the self-employment income. The local office did not consider the [REDACTED] statements sent by [REDACTED] via Fed-Ex.
- (8) On January 19, 2008, [REDACTED] requested a 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 department's PEM requires that assets and income be verified when an application is made for MA-P benefits. PEM 400 and PEM 500. In addition, any items bearing on disability, such as employment status, which the caseworker deems necessary, or which are subject to department's verification requirements, must be verified.

In this case, the caseworker correctly requested that claimant verify his wife's employment income. This information was legitimately required in order to determine claimant's eligibility for MA-P. PEM 210.

On April 22, 2008, the caseworker sent an Income Verification Request (DHS-3503) to claimant and [REDACTED] requesting verification of claimant's wife's self-employment income by May 22, 2008.

Claimant [REDACTED] complied with the April 22 request by Fed-Exing over a 100 pages of bank statements prepared by [REDACTED]. This is the only reliable, independently prepared, source of information on claimant's self-employment income.

For some unknown reason, the department failed to consider the information supplied by claimant [REDACTED]. Later, on an unknown date, the department denied claimant's MA-P application because he failed to properly verify his self-employment income.

Claimant has complied with the Income Verification Request (DHS-3503) by sending his bank statements via Fed-Ex on April 17, 2008. Therefore, the department's denial of claimant's application based on failure to verify is incorrect.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's MA-P application due to failure to verify employment income.

Accordingly, the department's action is, hereby, REVERSED.

SO ORDERED.

/s/ \_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 20, 2009

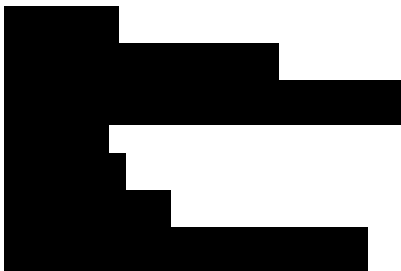
Date Mailed: March 20, 2009

**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 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.

JWS/tg

cc:

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