

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: 2008-20242
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 1, 2009
Wayne 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 April 1, 2009.

ISSUE

Was noncompliance with timely verification requirements established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds the below material/undisputed facts regarding the claimant:

- (1) MA termination on April 14, 2008 was per PAM 210.
- (2) Verification Checklist was sent to claimant on April 2, 2008 with a return due date of April 12, 2008; it was not returned by the due date.

(3) On April 2, 2008, the DHS representative used a step-by-step process for mailing the Verification Checklist to the claimant: the address given by the claimant was placed on the envelope, the verification forms and application were placed in the envelope, the envelope was sealed and placed in a certain area of the DHS for pick-up and delivered to the mailroom for U.S. postal stamping, the stamped envelope was delivered to the U.S. Post Office for delivery to claimant, and the envelope in question was not returned by the U.S. postal authority as undeliverable.

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.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

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.

The claimant testified that on date of the above-mentioned mailing, she was visiting at the hospital and/or out of town; that she does not recall when she returned home, but that when she did she does not remember seeing the DHS mailing.

The claimant had the responsibility, when absent herself from her mailing address for an extended period of time, to let the DHS known where she could be reached. This she did not do.

The ALJ finds the step-by-step mailing process more trustworthy/reliable than the ambiguous testimony of the claimant and her daughter, and finds that the mailing was delivered to her home address; and that she was absent for an extended period of time when it arrived.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that noncompliance with timely verification requirements was established.

Accordingly, MA termination is UPHELD.

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

Date Signed: July 10, 2009

Date Mailed: July 14, 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.

2008-20242/WAS

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 mailing date of the rehearing decision.

WAS/cv

cc:

