

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: 2008-20863
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2009
Kent 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, an in-person hearing was held on July 15, 2009.

ISSUE

Was compliance 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 as material fact:

- (1) Negative action: Medicaid application on January 28, 2008 was denied on March 25, 2008 based on noncompliance with timely verification requirements per PAM 130.
- (2) On February 11, 2008, the DHS requested by a 17-year-old mailing process medical verifications by the claimant with a return due date of February 23, 2008; the verifications were not submitted by the due date.

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 DHS representative testified to a 17-year-old process in existence at the DHS on February 11, 2008 that she used to notify the claimant by mail of her requested medical verifications; that she placed the claimant's name and address on the material; that the material is placed in a window envelope and placed in a certain DHS office location for pick up by a DHS employee for transfer to the [REDACTED] location in the DHS office; and thereafter for a DHS employee for delivery to the [REDACTED] for delivery to the claimant's given address; and that if an envelope is returned by the [REDACTED] as undeliverable, it

would be transferred back to the DHS mailroom for processing back to the originator of the mailing.

The DHS representative testified at the above-mentioned mailing was never returned to her as undeliverable by the [REDACTED].

It is a well-settled law that there is a presumption that an envelope was delivered to the claimant at his last known address if it was correctly named and addressed with the [REDACTED] stamping and delivered to the post office for delivery.

The claimant did not disagree with the correctness of the above mailing procedure. He testified, in an essence, that at the time of the mailing, he was receiving many mailings and might have received the DHS mail, but just does not remember. Therefore, the claimant is not saying he did not receive the mailing.

This ALJ finds a 17-year-old DHS mailing process more trustworthy and reliable than the claimant's statement that he does not remember receiving the mailing, and finds that he did receive the mailing and did not comply with his timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that compliance with timely verifications requirements was not established.

Accordingly, Medicaid denial is UPHELD.

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

Date Signed: August 10, 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.

WAS/tg

cc:

