

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: 2008-22573

Issue No: 2012

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 7, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 April 7, 2009.

ISSUE

Did the Department err when it failed to timely process the claimant's Medicaid 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) Claimant applied for Medicaid and State Disability Assistance on 12-13-07.
- (2) DHS mailed claimant a DHS-3503, Verification Checklist, on 12-13-07, requesting certain medical documents be returned to the department by 12-26-07.

(3) Claimant never returned these documents, and eligibility was unable to be determined.

(4) Claimant's caseworker extended the processing time to allow claimant a chance to be retroactively approved for benefits to the original date of application.

(5) On 3-18-08, claimant sent to DHS a DHS-54A, Medical Needs, alleging disability; this was not one of the requested forms.

(6) On 3-21-08, DHS mailed to claimant a second DHS-3503, requesting that claimant return a DHS-49, Medical Exam Report, and a DHS-49F, Medical Social Questionnaire.

(7) Claimant did not return any of these documents.

(8) On 6-3-08, claimant requested a hearing, alleging that her application had not been processed in a timely manner.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

A DHS-1171, Assistance Application must be completed when eligibility is determined. An application is considered incomplete until it contains enough information to determine eligibility. PEM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent, or contradictory. An application that remains incomplete may be denied. PAM 130.

PEM 260 states that Medicaid Disability may be verified by an MRT DHS-49A, Medical Social Eligibility Certification based on:

- DHS-49, Medical Examination Report
- DHS-49-B, Social Summary or DHS-49-BU, Social Summary Update
- DHS-49-D, Psychiatric/Psychological Examination Report
- DHS-49-E, Mental Residual Functional Capacity Assessment
- DHS-49-F, Medical-Social Questionnaire
- DHS-49-G, Activities of Daily Living (optional)
- DHS-49-I, Eye Examination Report
- Other equivalent narrative reports

SDA may be verified in the same manner. PEM 261.

The Department testified that claimant had been given all such documents with instructions to get the forms completed by her doctors and return them. Claimant testified that she had received the forms. Claimant testified that she did not return the forms because she did not feel that such forms were necessary to determine her disability; claimant felt that the DHS-54A, with a written statement from her doctor, was sufficient, and that she did not wish to submit more in depth reports or medical records.

The policy quoted above disagrees. Eligibility cannot be determined without verification; claimant has not returned the required verification, and even stated that she refused to turn in the verifications. Therefore, the Department is not in error in refusing to process her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to delay the processing of claimant's application is correct.

Accordingly, the Department's decision in the above-stated matter is, hereby,
AFFIRMED.

/s/

Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 14, 2009

Date Mailed: April 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 60 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.

RJC/cv

cc:

[REDACTED]