

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: 2008-23352
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 28, 2009
Genesee 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 April 28, 2009, in Flint. Claimant personally appeared and testified under oath.

The department was represented by Julie Couturier (AP Supervisor).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P/SDA application due to claimant's failure to verify her income and asset eligibility as well as a medical impairment?

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 is a current MA-P recipient.

(2) On March 30, 2008, claimant submitted a signed application (DHS-1171) requesting MA-P and SDA benefits. The application was registered by the caseworker on April, 2008.

(3) On May 1, 2008, the caseworker sent claimant a Verification Checklist (3503) requesting verification of claimant's income, citizenship and disability. The due date for completing the verification checklist and submitting the information to the caseworker was May 10, 2008.

(4) Claimant did not submit the following forms by the due date: 49F, 49D, 49G and proof of citizenship.

(5) On May 27, 2007, the caseworker notified claimant that her MA-P/SDA application had been denied due to claimant's failure to verify the specified eligibility factors.

(6) On June 5, 2008, claimant 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 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 department's manuals require that clients cooperate with the department in establishing financial and medical eligibility. This may be accomplished by providing information requested on the following forms: 49F, 49D, 49G and proof of citizenship form. See PEM 500, 550 and PAM 210.

The preponderance of the evidence in the record shows that the department caseworker correctly requested verification of claimant's eligibility factors for MA-P/SDA eligibility purposes. Claimant failed to return the required forms by the due date provided on the verification checklist (May 10, 2008).

A careful review of the record indicates that claimant failed to establish a prima facie case of eligibility for MA-P/SDA by the due date of May 10, 2008. For this reason, the caseworker correctly denied claimant's application on May 27, 2007.

There is no evidence on this record of arbitrary or capricious action on behalf of the department in the processing of claimant's MA-P/SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P/SDA application due to claimant's failure to verify her eligibility factors by May 10, 2008.

Therefore, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

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

Date Signed: May 8, 2009

Date Mailed: May 8, 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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