

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.: 2008-26574
Issue No.: 2018
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 15, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing received by the Department on June 26, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 15, 2009. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with department policy when it terminated the Claimant's Medical Assistance ("MA") benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. On March 4, 2008, the Department sent an application and Verification Checklist to the Claimant as part of her review, requesting the documentation be submitted by March 14, 2008. (Exhibits 17, 18)

2. On March 14, 2008, the Claimant submitted a completed application as well as the requested verifications. (Exhibits 5 – 17)
3. On the Verification of Employment for the Claimant, the Claimant noted she had a home day care and was self-employed. (Exhibit 8)
4. The Department did not request anything further from the Claimant.
5. On March 31, 2008, the Department pended the Claimant's case for closure effective April 12, 2008. (Exhibit 4)
6. The Claimant's Medical Assistance benefits terminated on April 12, 2008.
7. On April 25, 2008, the Department notified the Claimant that her benefits were closed due to the failure to provide verification of income from self-employment. (Exhibits 2, 3)
8. On June 26, 2008, the Department received the Claimant written request for hearing protesting the termination of MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130

If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. PAM 130 If no evidence is available, the Department should use its best judgment. PAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130; PAM 210 When documentation is not available, or clarification is needed, collateral contact may be necessary. PAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 105; PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. PAM 130 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130

In this case and as part of the re-determination process, the Department sent the Claimant an application and verification requests. The Claimant timely submitted the requested verifications however on her employment verification the Claimant indicated that she was self-employed providing home day care services. There were no further requests from the Department of the Claimant, nor was there any evidence that the Claimant had refused to cooperate or had failed to make a reasonable attempt to provide the requested verifications. Ultimately, under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's determination to cancel the Claimant's MA case is REVERSED.

2. The Department shall re-open and process the Claimant's MA re-determination application received by the Department on March 14, 2008 in accordance with department policy.
3. The Department shall supplement the Claimant for any lost benefits (if any) she was otherwise entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/17/09

Date Mailed: 06/17/09

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.

CMM/jlg

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