

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: 2008-26830

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 15, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 June 15, 2009. Claimant was represented by [REDACTED]

ISSUE

Did the Department of Human Services (DHS or department) send claimant's authorized representative (A.R.) a copy of the department's request for verification?

FINDINGS OF FACT

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

(1) On September 20, 2007, claimant's A. R. filed an application for Medical Assistance (MA-N) on behalf of claimant. The application sought MA retroactive to June of 2007.

(2) On January 22, 2008, claimant's A.R. filed a request for hearing to protest the department's failure to provide claimant with the requested benefits.

(3) On May 19, 2008, claimant sent a Verification Checklist (DHS Exhibit #1) to claimant. The form indicated that requested items of verification were due June 2, 2008.

(4) The department did not send a copy of its May 19, 2008 Verification Checklist directly to the A.R..

(5) On June 4, 2008, the department denied the application based upon failure to cooperate with the provision of verification of eligibility.

(6) At the hearing, the parties agreed that the issue in dispute was whether the department sent claimant's A.R. a copy of the department's request for verification.

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).

Relevant departmental policy at the time of the department's action was as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. PAM Item 130, page 1.

An authorized representative (A.R.) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group).

The AR assumes all the responsibilities of a client. PAM Item 110, page 7.

If a client or applicant has designated an A.R., the department must provide the AR with copies of all correspondence sent by the department to the client.

In this matter, the department sent a DHS 3503, Verification Checklist, to the client, care of the A.R., at the client's home address. (Department Exhibit #1). The record supports a finding that the department sent the Verification Checklist to the client but not to the A.R. The department was obligated to send a copy of the Verification Checklist directly to the A.R. and failed to do so. As such, the department's action in this matter shall not stand. The department is ordered to initiate reconsideration of the September 20, 2007 application. The department is to provide the A.R. with copies of all correspondence sent to the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services did not send the client's authorized representative a copy of the department's request for verification.

Accordingly, the department's action in this matter is hereby reversed. The department is ORDERED to initiate reconsideration of the September 20, 2007 application. The department shall provide the authorized representative with copies of all correspondence sent to the claimant.

/s/
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/20/09

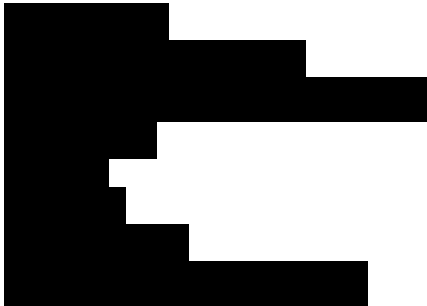
Date Mailed: 10/21/09

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.

LSS/at

cc:

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