

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: 2008-27999
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 30, 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 June 30, 2009 in Flint. Claimant did not appear.

Claimant was represented by [REDACTED].

The department was represented by Terri Stheiner (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's (MA-P) application because claimant failed to complete his state paid physical examination without good cause?

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 an MA-P applicant. [REDACTED] is claimant's representative.

(2) On April 22, 2008, MRT reviewed claimant's medical evidence and determined it was insufficient to establish MA-P eligibility.

(3) On April 16, 2008 MRT issued a Medical/Social Eligibility Certification (DHS-49(A)) requesting a new medical exam from a State paid provider.

(4) On April 24, 2008, the caseworker issued a Medical Appointment Confirmation Notice (DHS-800). The notice states that claimant's state paid medical exam was scheduled with [REDACTED] on June 3, 2008.

(5) A copy of the DHS-800 was sent to [REDACTED]. The notice contained the following information in pertinent part: **Note: Failure to comply with the above request may result in denial or termination of your medical and/or financial assistance.**

* * *

(6) Claimant did not keep the June 3, 2008 doctor's appointment.

(7) Claimant did not call [REDACTED] 24 hours in advance to request that his appointment be rescheduled.

(8) Claimant did not provide a good cause reason for failing to appear on June 3, 2008 for his doctor's appointment.

(9) On June 20, 2008, the caseworker denied claimant's MA-P application for the following reason: "Failure to attend scheduled doctor's appointment."

(10) On June 23, 2008, [REDACTED] faxed a request for a SHRT eligibility determination. The department declined.

(11) On July 31, 2008, [REDACTED] 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).

Current department policies require MA-P applicants to cooperate with the local office in determining initial and ongoing eligibility. This concludes completion of the necessary forms and appearing for a face-to-face meeting when requested. PAM 105. Cooperation also includes the requirement that applicant provide verification of household composition, household income and household assets when requested. When claimants are applying for MA-P, they are also required to document, with reliable clinical evidence, the extent of their physical/mental impairments. PAM 110 and 115. PEM 260.

The preponderance of the evidence in the record shows that claimant failed to attend his doctor's appointment on June 3, 2008, which was scheduled at the request of the local medical review team.

The Administrative Law Judge takes administrative notice that a request for new medical evidence is a statement by the local medical review team that the original medical record submitted by [REDACTED] was insufficient. The local medical review team would not order a State paid medical examination for frivolous reasons.

Finally, claimant's failure to go complete the June medical exam as scheduled amounts to an abandonment, by claimant, of his application for MA-P benefits.

In short, the preponderance of the evidence in the record shows that claimant failed to verify his MA-P eligibility factors, as requested by the June 3, 2008 due date.

The MRT correctly requested verification of claimant's MA-P eligibility factors, and correctly requested an additional examination scheduled for June 3, 2008. Claimant did not contact the doctor to advise him that he would be unable to attend the appointment. Claimant did not establish good cause for missing his appointment.

The caseworker correctly denied claimant's MA-P application on June 20, 2008 because claimant failed to provide the additional evidence requested by MRT.

Based on a careful review of the record, the caseworker correctly denied claimant's MA-P application due to claimant's failure to comply with the department's verification procedures.

In addition, the record reveals no evidence of arbitrary or capricious action by the department in processing claimant's MA-P application.

Therefore, the denial action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's eligibility factors, including his medical impairments, and established a due date for providing the information of June 3, 2008. Furthermore, claimant failed to attend his doctor's appointment, and failed to provide the department with a good cause reason for his failure.

Accordingly, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

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

Date Signed: March 15, 2010

Date Mailed: March 15, 2010

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 mailing 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/sd

cc:

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