

[REDACTED]

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.: 2009-10269

Issue No.: 1006

Case No.: [REDACTED]

Load No. [REDACTED]

Hearing Date:

March 2, 2009

Wayne County DHS [REDACTED]

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 Claimant's Request for Hearing received by the Department on December 10, 2008. After due notice, a telephone hearing was conducted from Taylor, Michigan on March 2, 2009. The Claimant's authorized hearing representative, [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") application.

FINDINGS OF FACT

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

1. In August of 2007, [REDACTED] was retained by the Claimant to assist in applying for MA-P benefits. (Exhibit 1, p. 35; Exhibit 3)

2. On October 19, 2007, the Medical Review Team (“MRT”) determined the Claimant was disabled based upon Listing 12.04. (Exhibit 1, pp. 6, 7)
3. On September 20, 2007, the Claimant’s authorized representative submitted a MA application on the Claimant’s behalf. (Exhibit 1, p 36, 37)
4. On October 24, 2007, the Department sent Verification Checklists to the Claimant requesting documentation necessary to determine eligibility be submitted to the Department by November 3, 2007. (Exhibit 1, pp. 5b, 5c)
5. The Verification Checklists were not sent to the Claimant’s authorized representative.
6. On November 26, 2007, the Claimant’s application was denied based upon the failure to timely submit requesting verifications. (Exhibit 1, p. 5a)
7. The Claimant’s authorized representative continued to communicate with the Department regarding the Claimant’s case.
8. On October 24, 2008, the Department received the Claimant’s written hearing request protesting the denial of the MA application.

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 (“DHS”), formally known as the Family Independence Agency, 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”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110, p. 7 In the record presented, the Department received the Claimant's signed Authorization for Patient Representation along with the MA application. Accordingly, the requested verifications should have been sent to the authorized representative who "stands in" for the Claimant. The MRT found the Claimant was disabled, however the application was denied based upon the failure to submit requested verifications. Under this scenario, the Department failed to establish it acted in accordance with Department policy when it denied the Claimant's MA application. Accordingly, the Department's MA denial is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the Claimant's MA application is not upheld.

Accordingly, it is Ordered:

1. The Department's denial of the MA application is REVERSED.
2. The Department shall re-open and process the Claimant's September 20, 2007 MA application in accordance with department policy.

