

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: 2009-12109
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 6, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Kenneth Poirier

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 August 6, 2009. The claimant was represented by [REDACTED] of [REDACTED], and the department was represented by [REDACTED], an Eligibility Specialist.

ISSUE

Did the Department properly deny the claimant's Medicaid application for failure to cooperate?

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 June 26, 2008, the claimant, through his representative at the time, [REDACTED], submitted an application for assistance under the Medicaid program.

- 2) On July 10, 2008, the Department sent to the claimant a request for verification of his citizenship, with a due date of July 23, 2008.
- 3) On August 5, 2008, the claimant executed documents, an "Authorization to Represent" form, authorizing a different agency, [REDACTED], to act as his Authorized Representative in all proceedings related to his efforts to establish Medicaid eligibility, including serving as his Authorized Hearing Representative, and an "Authorization for Release of Information," permitting [REDACTED] to receive specified types of personal information concerning the claimant.
- 4) These authorization forms, along with several other documents related to the claimant's claim for Medical Assistance were delivered to the Department by [REDACTED] on August 28, 2008.
- 5) As of the date of hearing held in this matter, August 6, 2009, the claimant still had not responded to the Department's request for verification of citizenship.
- 6) The Department denied the claimant's Medicaid application on September 19, 2008, and sent a copy of the denial to both [REDACTED] and [REDACTED] on September 19, 2008.

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).

Claimants must cooperate with the local office in determining initial and ongoing eligibility to include completion of the necessary forms. PAM 105, p. 5. Verification means

documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. PAM 130, p. 1. Claimants are allowed 10 calendar days (or other time limits specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medicaid 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 claimant and/or otherwise acts on his behalf. PAM 110, p.7.

In the record presented, the Department sent the citizenship verification request to the claimant on July 10, 2008. There was no competent persuasive evidence offered to establish that the claimant never received the citizenship verification request. [REDACTED] did not send the claimant's signed Authorization to Represent form to the Department until, at the earliest, August 28, 2008, over one month after the July 23, 2008 due date by which the claimant was to have submitted citizenship verification to the Department.

It is accepted by the undersigned that the authorized representative, in this case [REDACTED] [REDACTED], "stands in" for the claimant. However, the Department had no notice that [REDACTED] [REDACTED] had been authorized represent the claimant until well after the deadline passed for the claimant's submission of his citizenship verification to the department. Under these circumstances, the Department should not be held responsible for the claimant's failure to share with his authorized representative the citizenship verification requirement that he received from the Department prior to authorizing his representative to act on his behalf. Accordingly, the Department's Medicaid denial is UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and orders that the Department's denial of the claimant's Medicaid application is UPHELD.

/s/

Kenneth Poirier
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 08/11/09

Date Mailed: 08/12/09

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 the Circuit 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.

KP/jlg

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