

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: 2009-13067

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 6, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

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 August 6, 2009. The claimant, [REDACTED] and his wife, [REDACTED] appeared and testified. Margarita Quintanilla, Eligibility Specialist, was also present. All parties were sworn.

ISSUE

Whether the Department properly denied the claimant's application for Medical Assistance (MA).

FINDINGS OF FACT

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

1. [REDACTED] was injured at work. When he left work, the company gave him his IRA funds, which he deposited in [REDACTED] in [REDACTED] Michigan.
2. Claimant was receiving Social Security Income (SSI), which allowed him to receive Medicaid E benefits.
3. When the SSI ended, he was converted to Social Security Disability Income (SSDI).
4. When the SSDI kicked in, the Medicaid E was discontinued and became Medicaid P for disability.
5. Medicaid P requires periodic review in Michigan, unlike Medicaid E.
6. Claimant was asked to apply for and to complete an application for redetermination of benefits. He did so and a DHS-3503 was sent on December 6, 2008 with a return date of December 16, 2008.
7. Claimant and his wife, [REDACTED], were visiting their son in [REDACTED] [REDACTED] for the Christmas holiday.
8. They returned after Christmas and immediately completed the forms and submitted them as best they could on December 27, 2008.
9. They received a closure notice dated December 22, 2008.
10. On December 30, 2008, they mailed the appeal to the Department.
11. The case was put into closure on December 22, 2008 and not reopened when documents were received on December 27, 2008.
12. Although claimant appealed within the ten days, the case was closed on January 3, 2009.

13. Claimant made phone calls to the Department without response during the ten day period.

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 (formerly known as the Family Independence Agency) 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).

Under PAM, Item 105, customers must cooperate with the local office in determining initial and ongoing eligibility. This includes completing necessary forms. Customers must take actions within their ability to obtain verification. The local office must assist customers who ask for help in completing forms or gathering verification. Particular sensitivity must be shown to customers who are illiterate, disabled, or not fluid in English. The agency must allow the client 10 calendar days (or other time limit specified in policy) to provide verification requested. If the client cannot provide the verification despite a reasonable effort, the agency must extend the time limit at least once. The agency is to send a negative action notice when (a) the client indicates a refusal to provide a verification, or (2) the time period given has elapsed and the client has not made a reasonable effort to provide it. Only adequate notice is required for application denial. Timely notice is required to reduce or terminate benefits. PAM Item 130. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. PAM Item 220.

In the present case, the claimant responded to the negative action notice and provided the verification prior to the closure of the MA case. This Administrative Law

Judge cannot find that the claimant failed to cooperate in providing required verifications. The department was in error in closing the MA case due to non-cooperation. The claimant had extenuating circumstances which prevented him receiving his mail. The short response time does not allow for someone to visit family out-of-state, as here, especially during the Christmas holidays. The individual who purportedly handled the file did not testify. Ms. Quintanilla testified that she did not handle the paperwork; but her name is on the verification checklist. The claimant indicated he attempted to call the Department without a response. He needed assistance and did not get it and was entitled to it. Under the circumstances, claimant made reasonable efforts to comply. Further, since he had supplied some documentation, there was no reason that the case should have been closed.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, the Administrative Law Judge reverses the action by the Department in closing the case.

1. The decision of the department is hereby REVERSED.
2. It is ORDERED that the claimant's case be reinstated and processed from the original application date.

/s/ _____
Susan Payne Woodrow
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 12, 2009

Date Mailed: August 14, 2009

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.

SPW/law

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.