

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: 2009-13216
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 October 20, 2009.

ISSUE

Was good cause established for failure to keep a doctor's appointment or the reschedulement thereof?

FINDINGS OF FACT

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

(1) Negative case action: Medicaid application on April 15, 2008 was denied on October 14, 2008 based on failure to attend her doctor's appointment on September 15, 2008 and cooperate with rescheduling thereof.

(2) On September 4, 2008, the claimant phoned the DHS representative that she would be out of town on September 15, 2008 with a sick uncle and the DHS advised the claimant to let the DHS know when she returned and the doctor's appointment would be rescheduled.

(3) The claimant returned to Michigan on September 25 and did not notify the DHS of her return until the day of the 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).

The facts above are undisputed, except #3.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you may deny or close the case. PEM, Item 260, p. 4.

Good cause-----a circumstance which is considered a valid reason for not complying a requirement. PRG Glossary, page 15.

Claimant testified that after her out of town return to Michigan on September 25, 2008, she attempted over a two to three week duration to reach the DHS representative for rescheduling of a doctor's appointment; and that she left 15 voice messages for the representative with no return phone calls.

The DHS representative testified that she checks her phone voice messages daily and that during the duration above, there were no recordings from the claimant.

If the claimant was having difficulty in reaching the DHS representative by phone, there was nothing established that it was beyond her control to have phoned the representative's supervisor or even presenting herself at the local DHS office to let the local DHS know she was ready to be rescheduled for the doctor's appointment. The first time she lets anyone know of her good cause reason was in-person just before the hearing.

Therefore, this ALJ is not persuaded that a good cause reason has been established for noncooperation with a medical appointment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for the failure to keep a doctor's appointment or the reschedulement thereof.

Accordingly, Medicaid denial is UPHELD.

/s/

William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 24, 2009

Date Mailed: November 24, 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.

2009-13216/was

WAS/tg

cc:

