

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: 2009-13474
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 10, 2009
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 September 10, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) benefits for failure to return the required verifications in November, 2008?

FINDINGS OF FACT

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

1. The claimant applied for MA on September 29, 2008. A personal interview was held with the claimant at that time.
2. The claimant was given a Verification Checklist (DHS-3503) at this time, requiring her to provide a driver's license or ID card, current bank statements, a Shelter

Verification form (DHS-3688) and current bills for household expenses. The claimant was given until October 9, 2008, to provide the verifications. (Department Exhibit 2).

3. The claimant failed to provide the driver's license or ID card and the current bank statements. Therefore, on November 17, 2009, the department denied the claimant's MA application for failure to return the required verifications. (Department Exhibit 1).

4. The claimant submitted a hearing request on January 21, 2009.

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).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5. Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**

- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

The claimant indicated in her hearing request that she called the caseworker several times to ask what she needed to turn in, but the caseworker never returned her calls. The claimant testified that she turned in some paperwork to the department, but doesn't remember what the paperwork was or when she turned it in.

Department policy requires applicants to provide the department with the information necessary for the department to make an eligibility decision. PAM 105. In this case, the claimant was handed a Verification Checklist (DHS-3503) on September 29, 2008, during the personal interview. The Verification Checklist did list the items the claimant needed to gather and return to the department. The claimant did return some of the items, but did not return the driver's license or ID card or the current bank statements. The department was unable to determine if the claimant met the asset test for MA without the bank statements.

There is no documentation in the file to indicate that any telephone calls from the claimant were made to the department to request help in obtaining the verifications. The claimant was given 10 days to provide the verifications, which is in accord with department policy. PAM 130. There is no evidence to show that the claimant was not able to access her bank statements or had other problems in obtaining the information. Further, the department did not deny the MA application until November 17, 2008, which gave the claimant an additional

week to obtain the required verifications. When the verifications were not received, the department denied the application, in accord with PAM 130.

It is noted that the claimant did re-apply for MA benefits and was approved in July, 2009. The claimant was advised that she could complete an application for retroactive MA and submit it to the department for processing. The department representative provided the claimant with a copy of the necessary form at the conclusion of the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's MA benefits because the claimant did not return the required verifications.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 22, 2009

Date Mailed: September 22, 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.

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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.

SLK [REDACTED]

cc:

[REDACTED]