

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.: 2009-14299
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 21, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on September 21, 2009 claimant was represented by [REDACTED] of [REDACTED], [REDACTED] ES appeared for the department and testified.

ISSUE

Did the Department properly deny claimant's May 5, 2008 application for Medicaid?

FINDINGS OF FACT

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

- (1) Claimant applied for Medicaid and state disability on 05/05/2008.
- (2) Claimant was approved for coverage on 6/10/08 by the medical review team.
- (3) A verification checklist was issued on September 24, 2009 with a due date of October 6, 2009.
- (4) Claimant's representative requested an extension and granted on October 6, 2008

- (5) Claimant's representative requested a second extension on October 15, 2009.
- (6) On October 17, 2008 the application was denied for failure to provide citizenship verification.
- (7) Claimant's representative requested a hearing on January 13, 2009 contesting the denial of MA benefits and protesting the denial of a second extension.

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).

Department policy for Medicaid applications requires that if the client cannot provide verifications despite a reasonable effort, extend the time up to 3 times. PAM 130.

In the present case, Claimant's representative requested a second extension on October 15, 2008 to allow more time to obtain the claimant's birth certificate. The department denied the application on October 17, 2008. It does not appear that the department made a decision on the extension request. Extensions should be granted, especially where claimants have made reasonable effort to obtain documentation. The department acted improperly when they denied benefits, a second extension should have been granted. The department also has a duty to provide assistance when requested to do so, it does not appear that this happened in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the case shall be reinstated and a verification checklist will be sent to claimant's authorized representative.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/29/09

Date Mailed: 09/29/09

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 60 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.

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