

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: 2009-15530
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 1, 2009. Claimant did not appear. Claimant's authorized representative, [REDACTED], [REDACTED], appeared and testified on claimant's behalf.

ISSUE

Did the department correctly deny claimant's September 29, 2008, Medicaid (MA) application in December, 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. Claimant through his representative applied for MA on September 29, 2008.
2. On October 6, 2008 department mailed the claimant a Verification Checklist, DHS-3503, giving him until October 16, 2008 to provide personal, income and asset records.

3. On November 17, 2008, department mailed the claimant a second DHS-3503 requesting personal information and income and asset records including a 2007 federal tax returns due to self-employment, with a due date of November 27, 2008.

4. On December 1, 2008, department mailed the claimant an Application Eligibility Notice denying his MA application for failure to return requested verifications.

5. Claimant's representative provided a letter faxed to the department on November 26, 2008, with the request for this hearing. The letter stated as subject "Checklist due on November 27, 2008", and informed that [REDACTED] is waiting for personal records for the claimant and for his income information. The purpose of the fax was stated to be a request for a checklist extension, suggesting that the new due date be December 7, 2008, and asking that the caseworker call if this date is not acceptable.

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).

Departmental policy effective June 1, 2008, for MA only states that the department is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. If the client cannot provide the verification despite a reasonable effort, department is to extend the time limit up to three times. BAM 130.

In claimant's case, department extended the time limit twice, last deadline being November 27, 2008. Claimant's representative requested the third extension on November 26, 2008. Department did not grant such extension as the claimant's caseworker testified she felt enough time was already given to provide requested information, and instead denied claimant's application on December 1, 2008. As the policy requires that a third extension be given if the claimant is making reasonable effort to obtain it, something expressed in the November 26, 2008, faxed letter from claimant's representative, department incorrectly denied claimant's MA application when it did not grant such extension.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's MA application in December, 2008.

Accordingly, department's action is REVERSED. Department shall:

1. Re-visit claimant's disputed September 29, 2008 MA application and give the claimant additional 10 days to provide needed verifications.
2. If the claimant provides requested verifications within the 10 day time limit, process the application by determining MA eligibility based on assets, income and possible disability determination per BAM 260, if one is needed in order for the claimant to qualify for MA.
3. Notify the claimant and his representative of any future MA application actions.

SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 22, 2009

Date Mailed: September 23, 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 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.

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