

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.: 2009-15977

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

September 23, 2009

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's timely request for a hearing. After due notice, a hearing was conducted from Monroe, Michigan on September 23, 2009. The Claimant's authorized hearing representative, [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") application?

FINDINGS OF FACT

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

1. On October 21, 2008, the Claimant submitted a public assistance application seeking MA-P benefits.

2. On October 22, 2008, the Department sent the Claimant and her representative, a verification checklist requesting the information be submitted by November 3, 2008. (Exhibits 1, 2)
3. On or about October 27, 2008, the Claimant contacted the Department and her authorized representative stating she had the requested information.
4. On October 28, 2008, the authorized representative left a message with the Department requesting an extension.
5. There was no follow-up on the extension request nor were the requested verifications submitted.
6. On November 26, 2008, the Department sent an Eligibility Notice to the Claimant and representative denying the MA-P application for failing to return the requested verifications. (Exhibits 3, 4)
7. There was no further communication with the Claimant with by the Department or with her authorized representative until approximately December 5, 2008.
8. On January 23, 2009, the Department received the Claimant's written request for hearing. (Exhibit 5)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in

the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended at least once. PAM 130 [effective July 1, 2008]

To be eligible for full MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. PEM 225 citizenship must be verified with an acceptable document to receive Medicaid. PEM 225 Primary evidence of citizenship is documentary evidence of the highest reliability that conclusively establishes that a person is a U.S. citizen. PEM 225 Secondary evidence includes, but is not limited to, a U.S. public birth record showing birth in on of the 50 United States. PEM 225

In the record presented, the Claimant/Representative submitted an application for MA-P benefits which resulted in a request for proof of identity and citizenship. The Claimant/Representative was given until November 3, 2008 to submit the required documentation. On October 27th, the Department was notified that the Claimant had the requested verifications. The following day, the Claimant’s authorized representative left a message with the Department requesting additional time to submit the verifications. Although it appears the extension request was not formally communicated, the denial of the application was over 3 weeks after the initial due date. The Department and the Representative agreed that from

the period from October 28, 2008 through the date of denial, there was no communication between the parties nor were the required verifications submitted. Under these facts, it is found that the Department established it acted in accordance with policy when it denied the application after the due date had lapsed. Accordingly, the Department's denial of the Claimant's application is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law find that the Department acted in accordance with departmental policy when it denied the Claimant's MA application based upon the failure to submit the requested verifications.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
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 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.

CMM/jlg

cc:

