

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: 2009-16239
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 August 26, 2009. The claimant appeared and testified. Claimant was represented by [REDACTED]. Peggy Shobowale-Benson, Eligibility Specialist, appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On July 31, 2008, claimant, via his authorized representative, applied for MA and Retro-MA (for hospitalization that occurred in April 2008). At the time,

claimant's authorized representative also provided the Department with a copy of claimant's I.D., hospital birth record, tax records, bank information, car title, releases, social summary (DHS-49B), and medical-social questionnaire (DHS-49F).

2. On August 20, 2008, the Department sent claimant a verification checklist (DHS-3503 and DHS-3503C) requesting medical record reports, income, and official birth record or passport.
3. Verification was due on August 30, 2008.
4. On August 29, 2008, claimant's authorized representative requested an extension of the verification due date to September 19, 2008.
5. Claimant's authorized representative notified the Department, via letter, that the checklist appeared to be complete, but made it clear that if for some reason additional information was needed or there was a misunderstanding regarding the Department's request to grant an extension so that the additional information could be provided.
6. On September 22, 2008, the Department forwarded claimant's medical records and medical examination report (DHS-49) to the Medical Review Team (MRT).
7. On October 7, 2008, MRT approved claimant's disability.
8. The Department issued an application eligibility notice (DHS-1150) for failure to verify citizenship on October 22, 2008.
9. Claimant, via his authorized representative, requested a hearing on January 23, 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 (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).

Clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of the necessary forms. PAM 105, p. 5. Claimants must take action within their ability to obtain verification. The local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed ten (10) calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification, despite a reasonable effort, the time limit should be extended up to three times. *Id.*

In the record presented, the Department indicated the claimant failed to verify citizenship by providing a legal birth certificate. The Department was furnished a [sealed] copy of claimant's hospital birth certificate when his application was filed on July 31, 2008. Claimant's authorized representative argued the Department never provided their office with a request for verification of citizenship (DHS 3503C) and never provided notification the hospital birth certificate previously submitted with the application was insufficient proof.

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the date of the hearing. The Department provides an Administrative Hearing to review the Department decision and determine if it is appropriate.

In the present case, claimant, via his authorized representative, is contesting the denial of his July 31, 2008 application for MA and Retro-MA. The Department needed verification from claimant to establish his eligibility under the Medical Assistance program. The Department had notification the claimant had an authorized representative. Policy, as cited above, necessitates a notice must be sent to the authorized representative, since the authorized representative "assumes all the responsibilities of a client". Claimant's authorized representative indicated that no request for verification of claimant's citizenship was ever received. Information previously submitted at the time of application included a copy of claimant's [sealed] hospital birth certificate. Nothing was mentioned by the Department regarding the receipt of this document. Since the verification of citizenship was not received by claimant's authorized representative, this Administrative Law Judge cannot find that claimant failed to cooperate in providing the requested verification. This Administrative Law Judge finds that the Department has acted in error in denying claimant's Medical Assistance case due to claimant's failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of claimant's application for MA and Retro-MA for failure to cooperate is REVERSED.

Therefore, it is ORDERED that the Department shall reinstate and process the application of July 31, 2008 for MA and Retro-MA in accordance with Departmental policy.

/s/ _____
Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 9, 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.

LDD/law

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