

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: 2009-16959
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Ottawa 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 August 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's retro MA application on December 15, 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 applied for MA for herself and her spouse on June 25, 2008. Claimant did not indicate on her application if she or her spouse has paid or unpaid medical expenses for services provided in the last three months. (Department's Exhibits 2 and 3).
2. On July 15, 2008, department completed an MA budget and determined that claimant and her husband were eligible for MA deductible. Claimant subsequently provided

information establishing eligibility and received MA from July 1, 2008 through January 31, 2009. (Department's Exhibits 5-10).

3. On October 15, 2008, claimant submitted an MA application requesting MA coverage for September, 2007 through October, 2008. Claimant did not list any unpaid medical expenses for months prior to the month of her MA application, but the caseworker did not clarify this question also. DHS manager therefore authorized consideration of retro MA for the three months preceding the month of claimant's MA application, those months being March, April and May, 2008.

4. On October 28, 2008, department mailed the claimant a Verification Checklist, DHS-3503, requesting verification of her husband's 401k account be returned by November 7, 2008. (Department's Exhibit 14).

5. Claimant did not return the verification of 401k account by the due date, but was given another chance to do so with another DHS-3503 with a due date of December 2, 2008.

6. Claimant failed to verify her husband's 401k account and department denied her retroactive MA application on December 15, 2008. A denial notice was mailed to the claimant on this date and she requested a hearing on January 26, 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).

Departmental 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.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- . required by policy. PEM items specify which factors and under what circumstances verification is required.
- . required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- . information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

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.

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 up to three times. 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.

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.

Review of department's documentation indicates that the quoted policy pertaining to verification requests was followed in claimant's case, and more than ample time was given to her to provide such verification. Claimant states that she had provided requested information repeatedly in the past, and that she provided 401k statement in August, 2008. However, department did not even decide to address retro MA for months prior to June, 2008 application until October 28, 2008 manager's review of claimant's case. Therefore, there would have been no reason for the claimant to provide 401k statements for months prior to June, 2008, until after October 28, 2008. Department's documentation is thorough and other actions on her MA applications were done in a very timely manner. That fact leads this Administrative Law Judge to conclude that if the claimant indeed provided requested verifications of her 401k account for retro MA months as she claims, department would not be unaware of them or would not have misplaced such verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's retro MA application on December 15, 2008.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

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

Date Signed: December 1, 2009

Date Mailed: December 8, 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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