

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.: 2009-18554

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 14, 2009

Oakland County DHS (3)

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 October 14, 2009 claimant was represented by [REDACTED] of [REDACTED] [REDACTED]. [REDACTED], Supervisor and [REDACTED], ES appeared for the department and testified.

ISSUE

Is the department correct in denying claimant's MA application?

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 benefits on September 24, 2008.
- (2) A verification checklist requesting a "statement from whom supports him" was sent to claimant on November 12, 2009 with a November 24, 2009 due date.

- (3) The department was dissatisfied with the statement provided by claimant and his application was denied on November 25, 2009 for failure to provide verifications.
- (4) Claimant requested hearing on February 18, 2009 contesting the denial of his MA application.

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 to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, the department verification checklist dated October 14, 2008 requested "Provide statement from who supports you monthly, indicate if they give you money monthly and how much for non food items." Department policy delineates when verification is required: when required by policy, when required as a local office option, and when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. PAM 130. The verification requested by the department does not fall under any of these categories. It is not required by policy. The department did not indicate it was a local office option. The information is not unclear, inconsistent or contradictory. Therefore, the verification is invalid and cannot serve as the basis to deny benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the denial of MA benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED and that claimant's application for MA be reinstated and reprocessed.



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

Date Signed: 11/02/09

Date Mailed: 11/02/09

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.

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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.

AM/jlg

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