

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: 2009-18560
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Kenneth Poirier

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 hearing was held on August 19, 2009. The claimant, [REDACTED], was present for the hearing. The Department was represented by [REDACTED], a Family Independence Specialist, and [REDACTED], a Family Independence Manager.

ISSUE

Did the Department properly close the claimant's Medicaid case for failure to cooperate?

FINDINGS OF FACT

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

- 1) In November 2008 the claimant submitted an application for Medicaid.
- 2) The application was approved, and the claimant received a Medicaid card shortly thereafter.

- 3) On January 6, 2009, the Department sent to the claimant a request for verification of various information related to her Medicaid claim, with a due date of January 21, 2009.
- 4) The Department never received from the claimant the material requested on January 6, 2009.
- 5) The Department closed the claimant's Medicaid case on February 24, 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).

Claimants must cooperate with the local office in determining initial and ongoing eligibility to include completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. PAM 130, p. 1. Claimants are allowed 10 calendar days (or other time limits specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medicaid purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* A Medicaid applicant is required to provide evidence of a disability in support of the application. PAM 260.

In the record presented, the claimant argued that when she received the Department's January 6, 2009 verification information request, she was puzzled because she thought that she had already given the requested information to the Department when she applied for Medicaid

two months earlier. The claimant testified that she therefore contacted the Department, and that she was told by a caseworker that paperwork had been sent to her in error. The claimant, however, could not tell when she had this conversation with a caseworker, and she could not identify the caseworker. There were no other circumstances offered to show that the claimant was justified in failing to respond to the Department's January 6, 2009 verification request. Given these circumstances, the Department's closure of the claimant's Medicaid case was reasonable. Accordingly, the Department's Medicaid closure is UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and orders that the Department's closure of the claimant's Medicaid case is UPHELD.

/s/ _____
Kenneth P. Poirier
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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 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.

KP/jlg

2009-18560/KP

cc:

