

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: 2009-20464

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 26, 2009

Van Buren 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. Paula Pool, Family Independence Specialist, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA).

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 January 7, 2009, claimant filed an application for Medical Assistance (MA) and State Disability Assistance (SDA).

2. The Department sent the claimant a verification checklist (DHS-3503) on January 7, 2009 requesting her to provide medical documentation and proof of U.S. citizenship in order to determine her eligibility.
3. Verifications were due January 27, 2009.
4. Claimant is mentally and physically disabled.
5. Claimant argued during her interview on January 27, 2009, she provided requested information and that the Department representative told her she had all the information she needed to process her case.
6. Department representative claimed she provided claimant a ten day extension to return forms changing due date for verifications to February 6, 2009.
7. Claimant denied knowledge of an extension period being granted and claimed she was never notified information was missing or incomplete.
8. On February 27, 2009, the Department issued an application eligibility notice (DHS-1150) denying benefits for failure to provide forms and verification to process the application.
9. Claimant requested a hearing on March 10, 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).

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA Program pursuant to MCL 400.10, et seq. and MAC R 400.3151-400.3180. 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 claimant denied she was ever told verification information was missing or incomplete or that she was going to be provided a ten day extension in order to submit such information. During her interview on January 27, 2009, she argued she furnished the Department with documentation and was led to believe she had provided everything that was needed to process her application.

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 is contesting the denial of her January 7, 2009 application for Medical Assistance (MA) and State Disability Assistance (SDA). Claimant is mentally and physically disabled and claimed she provided the Department with all the information she understood was requested. This Administrative Law Judge cannot find that the claimant failed to cooperate in providing required verifications. She brought all verifications she believed necessary according to the information she had from the Department. There was insufficient evidence to show that the Department communicated to the claimant that more information was needed. Therefore, the Department was in error in denying claimant's application due to 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 SDA for failure to cooperate is REVERSED. Therefore, it is ORDERED that the Department shall reinstate and reprocess claimant's application of January 7, 2009 for MA and SDA 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

cc:

