

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: 2009-21009  
Issue No: 2018  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 26, 2009  
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Kenneth P. Poirier

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a hearing was held on August 26, 2009. The claimant appeared on her own behalf, and that Department was represented by [REDACTED], a Family Independence Manager.

ISSUE

Did the Department properly close the claimant's Medical Assistance 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) The Department issued a Notice of Case Action to cancel the claimant's Medical Assistance coverage on March 12, 2009, with an effective date of March 24, 2009, based

on the Department's position that the claimant had failed to submit medical information that the Department needed to assess her continued eligibility for benefits.

- 2) At the hearing held in this matter, the claimant maintained that she submitted a copy of the requested information to the Department about a week after she received the request.
- 3) Additionally, at the hearing, the claimant had the information with her, a copy of which she had sent to the Department some months earlier, and she gave another copy of the information to the Department's representative.
- 4) Based on the claimant's submission of the requested information to the Department representative at the hearing, the Department agreed to forward the information for processing of the claimant's claim.

#### 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 the 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 limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medical Assistance 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.*

In the present case the claimant is contesting the cancellation of her Medicaid coverage. The evidence offered at the hearing was not sufficient to contradict the claimant's position that she submitted the requested information to the Department about a week after she received the Department's request for it. The claimant therefore cannot be held to have failed to cooperate with the Department in providing requested information. Accordingly, the Department's closure of the claimant's Medicaid case should be REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's closure of the claimant's Medicaid case is not upheld.

Accordingly, it is ORDERED:

1. The Department's closure of the Medicaid case is REVERSED.
2. The Department shall re-open and process the Claimant's Medicaid case in accordance with Department policy.
3. The Department shall supplement the Claimant for any lost benefits for which she was otherwise eligible and qualified to receive in accordance with Department policy.

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

Date Signed: 09/01/09

Date Mailed: 09/01/09

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

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