

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: 2009-21096  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 17, 2010  
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 February 17, 2010, in Lansing. Claimant did not appear. Claimant was represented by [REDACTED].

The department was represented by Cindy Adado (FIM).

The Administrative Law Judge appeared by telephone.

ISSUE

Did the department correctly deny claimant's MA-Care-taker application due to his failure to provide the required eligibility verifications?

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 April 25, 2008, claimant applied for MA.

- (2) On May 2, 2008, the caseworker sent the claimant a DHS-3503 and a DHS-3503c. Copies were not sent to [REDACTED].
- (3) The due date for providing the required verifications was May 13, 2008.
- (4) Claimant did not provide the required verifications by May 13, 2008.
- (5) On May 20, 2008, the caseworker sent claimant a second DHS-3503 and DHS-3503c requesting verification of eligibility. The second due date was May 30, 2008.
- (6) Claimant did not provide verifications by the May 30 due date.
- (7) On June 30, 2008, the caseworker denied claimant's application due to his failure to establish eligibility by submitting the required verifications.
- (8) The caseworker did not send the negative action notice to claimant or to [REDACTED] on June 30, 2008, to notify them that the application was denied.
- (9) Claimant did not establish his eligibility for Medicaid because he did not verify the required eligibility factors.

#### 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).

Under the PEM, the department is required to send a written denial notice to all applicants who are denied benefits. PAM 600 and MAC R 400.902.

Where a caseworker denies an MA application due to the applicant's failure to verify his eligibility, the caseworker must promptly send written notice to the applicant.

At the hearing, the department conceded the proper notice had not been mailed to claimant or to [REDACTED] in a timely fashion.

After a careful review of the evidence, the Administrative Law Judge makes the following conclusions:

- (a) Claimant did not establish his eligibility for the Medicaid program when requested within the specified grace period.
- (b) The department did not correctly notify claimant or [REDACTED] that claimant's application was denied on June 30, 2008.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department denied claimant's application for Medicaid but incorrectly failed to notify the parties of a denial.

Accordingly, the department is, hereby, ORDERED to reprocess claimant's April 25, 2008 application and issue appropriate denial letter, if appropriate, no later than ten working days from the date of this Order.

Accordingly, the department's action is, hereby, REVERSED, and agency is required to reprocess claimant's application and provide adequate notice to claimant and [REDACTED] of claimant's eligibility for the program requested.

SO ORDERED.

/s/  
\_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 7, 2010

Date Mailed: June 8, 2010

**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.

JWS/tg

cc:

