

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.: 2009-218
Issue No.: 1006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 27, 2009
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 Hearing received by the Department on December 10, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 27, 2009. The Claimant's authorized hearing representative, [REDACTED] appeared and testified. Denita Holland-Seay appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. On May 21, 2008, the Department received an Authorization to Represent from [REDACTED] [REDACTED] as well as an application for MA-P benefits on the Claimant's behalf.
(Exhibit A1, A2)

2. The Claimant did not participate in the hearing process.
3. On May 22, 2008, the Department sent both the Claimant and her representative a verification checklist requesting documentation be returned by June 2, 2008. (Exhibit 2 – 4)
4. No verifications were received.
5. On June 25, 2008, the Department sent the Claimant and her authorized representative an Eligibility Notice stating that the application was denied for failing to attend the requested interview and for failing to timely submit the request verifications. (Exhibits 6 – 7)
6. On July 3, 2008, and again on July 25, 2008, the Claimant’s authorized representative requested a due date extension for the requested documentation. (Exhibits 11, 12)
7. On August 28, 2008, the Department received a written request for hearing from the Claimant’s authorized representative.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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 include the completion of the necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written

statements. PAM 130, p. 1 Client's are allowed 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 for MA 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.* An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110, p. 7 In the record presented, the Department received the Claimant's signed Authorization to Represent along with the MA-P application. The Department testified credibly that it had forwarded a copy of the Verification Checklist and appointment notice to both the Claimant and her authorized representative. The authorized representative denied receipt of the documentation until after the case was denied. Although there was no communication between the Claimant and the Department and/or her authorized representative, there was no indication that the authorized representative was refusing to cooperate in obtaining the requested verifications. Under this scenario, the Department's actions are not upheld.

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 the Claimant's MA application is not upheld.

Accordingly, it is Ordered:

1. The Department's denial of the May 21, 2008 application is REVERSED.
2. The Department shall re-open and process the Claimant's May 21, 2008 application in accordance with department policy.

