

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-21808
Issue No.: 2006
Case No.:
Load No.:
Hearing Date:
December 14, 2009
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on December 14, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly close the Claimant's medical Assistance (MA)?

FINDINGS OF FACT

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

1. The Claimant was a MA recipient.
2. On December 18, 2008, as part of an annual review, the department sent the claimant a verification checklist, due January 12, 2009, requesting various pieces of information.
(Department exhibit 1)

3. The claimant contacted the department on January 9, 2009, to reschedule an in-person interview set for January 12, 2009, and to seek the department's assistance.
4. On March 24, 2009, the department closed the claimant's MA.
5. On March 24, 2009, the Claimant filed a request for a hearing.

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).

In the instant case, the Department requested employment and income information as part of its MA review.

Although the department stated that it did not recollect the claimant's telephone call to reschedule the January 12, 2009, interview the department's evidence contains proof of just such a call. Furthermore, the claimant testified that she requested the department's assistance in obtaining certain documentation and that assistance was not forthcoming.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification....

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. (PAM 130, p. 2-3).

Here, the requested verifications involved the claimant's employment and assets. I find that the department did not provide the assistance requested contrary to the policy cited above. Therefore, the department was in error in closing the claimant's MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to retroactively reinstate the Claimant's MA and replace any lost benefits if applicable.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 1/27/2010

Date Mailed: 1/27/2010

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 60 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.

MJB/jlg

2009-21808/MJB

cc:

