

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: 2009-23272

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 26, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

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. Present were: [REDACTED] on behalf of [REDACTED], and [REDACTED]. Vivian Lewis Baxter, Family Independence Manager, appeared for the Department of Human Services. Both witnesses were sworn.

ISSUE

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

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 8, 2008, [REDACTED] husband of [REDACTED], in the same Medical Assistance group, signed an authorization to [REDACTED] [REDACTED] to be their authorized representative to establish Medicaid (see Exhibit 27).
2. On February 13, 2008, [REDACTED] submitted an application for benefits (see Exhibits 1-14).
3. On February 14, 2008, the Medicaid budget was run for the family and Medicaid was opened (see Exhibits 15-22).
4. On April 29, 2008, a retroactive Medicaid application was sent by [REDACTED] [REDACTED] (see Exhibits 24-28).
5. On February 12, 2009, a DHS-3503C Verification Checklist was sent to the claimant requesting proof of citizenship for all of the parties (see Exhibit 30).
6. Since nothing was received by the due date of February 24, 2009, on March 7, 2009, another verification checklist was sent regarding the immigration or alien status for the family (see Exhibit 31).
7. As of the hearing date, no documentation has been provided to the Department indicating the citizenship status of anyone in the family.
8. The case was closed because of the failure to provide the verifications.

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).

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.*

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

During the hearing, it was agreed that upon the receipt of this decision, a new DHS-3503C will be sent requesting citizenship status of the claimant and whatever other information the Department needs. Only one extension will be allowed for [REDACTED] [REDACTED] to provide that documentation. If the documentation is received in a

timely manner, it will be processed based upon Department policy. The authorized representative and the Department agreed that the original request will be processed with the effective date first submitted and the appeal will be withdrawn.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that it is agreed that the Department will send a DHS-3503C request for citizenship documentation.

██████████ agrees that they will supply proof of citizenship status, and any other relevant information required and the Department will continue to process the claim as of the initial date of application.

IT IS ORDERED THAT:

The Department will grant only one extension to ██████████

The Department will send a 3503C to the authorized representative.

The appeal is deemed withdrawn consistent with the agreement herein.

/s/ _____
Susan Payne Woodrow
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 11, 2009

Date Mailed: September 21, 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.

SPW/law

cc:

