

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: 2009-23340
Issue No: 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 25, 2009
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 25, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's Medicaid (MA) and Food Assistance Program (FAP) application in May, 2009?

FINDINGS OF FACT

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

1. Claimant applied by mail for MA and FAP on March 12, 2009.
2. On April 8, 2009, department mailed the claimant a Verification Checklist, DHS-3503, scheduling an interview for April 14, 2009 and requesting personal, income, asset and household expense records. In addition, department requested proof of unemployment

benefits or that claimant had applied for them, and birth certificate for himself (Department's Exhibit #1).

3. Claimant did not appear for the scheduled interview and/or return any requested information/verifications. On April 21, 2009, department mailed the claimant another DHS-3503 asking that he provide verifications or call the caseworker by May 1, 2009. This form again listed all of the verifications requested on April 8, 2009 form (Department's Exhibits #3 and 4).

4. Department also mailed the claimant a notice of missed interview according to the hearing testimony.

5. Claimant did not respond to the notices or provide requested verifications, and department denied his application on May 6, 2009. Claimant requested a hearing on May 8, 2009.

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).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10,

et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department's policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- . required by policy. PEM items specify which factors and under what circumstances verification is required.
- . required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.
- . information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

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. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**

. the time period given has elapsed. PAM, Item 130, p. 4.
Only **adequate** notice is required for an application denial.
Timely notice is required to reduce or terminate benefits.

Exception: At redetermination, **FAP** clients have until the last day of the redetermination month **or** 10 days, whichever is later, to provide verification. See PAM 210. PAM, Item 130, p. 4.

TMAP

See PEM 647 regarding timeliness standards for TMA-Plus determinations. PAM, Item 130, p. 5.

Department mailed the claimant a DHS-3503, verification checklist, on April 8, 2009, asking him to attend an interview on April 14, 2009 and provide verifications needed to determine his MA and FAP eligibility. Claimant did not show up for the interview or provide any of the requested verifications. Department mailed another DHS-3503 on April 21, 2009, asking the claimant to contact the department by May 1, 2009 and provide requested verifications. Claimant failed to do so. Claimant's MA and FAP application was denied on May 6, 2009, thereby giving him almost a month to respond to department's requests for in-person interview and verifications necessary for MA and FAP eligibility determinations.

Claimant was asked as to why he did not show for the in-person interview and provide verifications. Claimant states he was not able to do so because of lack of transportation. Claimant was then asked why he did not call the department and tell them about his lack of transportation. Claimant responded that he could not, but that his grandmother did. Claimant further stated that the reason why he could not call the department was that he was 200 miles away, in Detroit, because his grandmother was sick. Asked how he got to Detroit when he had no transportation, claimant responded that his father took him. Asked why his father could not take him to the department for his interview appointment, claimant responded that his father is now incarcerated, but admits that this was not so in April, 2009. Claimant was also asked how is

it that his grandmother could call the department for him when she was sick to the point he had to go to Detroit to see her. Claimant responded that she called prior to being sick, but could not provide any dates that this happened.

In conclusion, department followed policy and procedure in attempting to interview the claimant and obtain necessary verification so his MA and FAP eligibility could be determined. Claimant failed to respond to request for interview and to provide any of the requested verifications. Claimant's reasons for not doing so are not sufficient to persuade this Administrative Law Judge that the department was in error when his MA and FAP application was denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA and FAP application in May, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 26, 2009

Date Mailed: June 29, 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 mailing 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.

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