

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: 2009-23864
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 28, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 28, 2009. Claimant did not appear but was represented by her authorized hearing representative L&S Associates.

ISSUE

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application due to a failure to provide required information?

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 August 22, 2008, Claimant's authorized hearing representative L&S Associates submitted an application to the Department for Medical Assistance (MA).

The application included a written statement from Claimant that she was being supported

by her husband through a monthly educational living stipend her husband was receiving from his sponsor.

(2) On September 17, 2008, the Department sent a Verification Checklist (DHS Form 3503) to both Claimant and L&S. The Verification Checklist (DHS Form 3503) requested Claimant's Social Security card, records of all income, current bank statements, and records of all assets. The information was due on September 30, 2008.

(3) On September 30, 2008, L&S submitted a copy of Claimant's Social Security card and her list of assets. L&S also stated they were waiting on bank statements and requested an extension until October 10, 2008.

(4) On October 10, 2008, L&S submitted Claimant's bank records. The communication from L&S stated they thought the checklist was complete and if more information was needed to notify them.

(5) On November 8, 2008, the DHS case worker attempted to contact Claimant to verify the amount of income from the sponsor. Claimant's telephone was not answered. The application was denied for failure to verify income. Claimant was sent an Application Eligibility Notice form (DHS-1150).

(6) On February 5, 2009, L&S submitted a request for 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 (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).

Claimant's authorized hearing representative does not dispute that verification of the income was not provided. They argue that they did not know the Department specifically needed the stipend information. The authorized hearing representative also argues the income may have been excluded under Department policy.

In this case, Department policy clearly requires verification of all income in order to determine eligibility. While it is possible the income may have been excluded, there is no way to determine that if the nature and source of the income are not verified. The Department acted within policy when they denied Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Medical Assistance (MA) application due to a failure to provide required information.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 8, 2010

Date Mailed: January 19, 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 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.

GFH [REDACTED]

cc: [REDACTED]