

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: 2009-23887
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 7, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 October 7, 2009.

ISSUE

Was noncompliance with timely verification requirements established?

FINDINGS OF FACT

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

- (1) Negative action: Medicaid termination on April 4, 2009 based on noncompliance with timely verification requirements per PAM 210.
- (2) On January 28, 2009 the DHS mailed the claimant a Verification Checklist to her undisputed address to be returned by February 9, 2009; it was not submitted by the due date.

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).

Facts above are undisputed.

**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.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

The claimant testified that she did not receive the mailed Verification Checklist at her undisputed address.

The DHS representative testified to the mailing procedure in existence at the local DHS on January 28, 2009: She placed the checklist in an envelope with the claimant's undisputed address thereon and delivered it to the DHS mailroom for U.S. postage stamping and pick up by the postal authority that afternoon or the following morning; that when an envelope is returned to

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the local DHS as undeliverable to a claimant, it is placed in the claimant's file and the case is closed. The envelope was not returned as undeliverable.

This ALJ finds the DHS mailing process to the claimant's address and non-return by the U.S. postage authority more trustworthy and reliable than the claimant's statement that she did not receive it. Therefore, this ALJ is persuaded by the evidence of record that noncompliance with verification requirements was established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that noncompliance with timely verification requirements was established.

Accordingly, Medicaid termination is UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2009

Date Mailed: October 20, 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.

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cc:

