

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: 2009-24547
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2009
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 September 16, 2009, in Saginaw. Claimant personally appeared and testified under oath.

The department was represented by Deborah Hollis (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P/SDA application because he failed to attend a state-paid doctor appointment (January 14, 2009) to verify claimant's alleged disability?

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 28, 2008, claimant applied for MA-P/SDA.
- (2) The caseworker requested verification of claimant's eligibility factors. Claimant provided them to the caseworker in a timely fashion.
- (3) The caseworker sent claimant's medical records to the MRT for review.
- (4) On December 1, 2008, MRT deferred claimant's application and requested additional medical evidence from an independent physician. The examination requested by MRT was to be paid for by the State of Michigan.
- (5) The caseworker scheduled an independent medical exam for claimant for January 14, 2009 in Saginaw.
- (6) The caseworker provided claimant with bus tokens, at state expense to enable claimant to travel to his doctor's appointment.
- (7) Claimant did not go to his doctor's appointment on January 14, 2009, as scheduled, because he was not familiar with the area where the doctor's office is located and he was afraid that he would fall.
- (8) The caseworker has no record of claimant providing a good cause reason for his failure to attend the doctor's appointment scheduled on his behalf for January 14, 2009, in a timely fashion.
- (9) On January 21, 2009, the caseworker denied claimant's application due to failure to provide requested verifications (an independent medical exam).
- (10) On February 9, 2009, claimant requested 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 (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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The following policies apply to the issues raised by claimant:

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130, PEM 720 and PAM 105.

Current department policy requires that MA-P/SDA applicants must cooperate with the local office in providing verifications to establish eligibility for MA-P/SDA. This includes completion of the necessary forms, face-to-face meeting, when requested, and additional medical evidence when the department requests it. PAM 105.

The preponderance of the evidence in the record shows that claimant failed to provide an independent medical examination to establish his disability, as requested by MRT in a timely fashion. The caseworker, based on the MRT request, correctly made an appointment with an

independent medical consultant for January 14, 2009 to obtain the information needed by MRT to establish claimant's eligibility.

Since claimant did not attend the January 14, 2009 doctor's appointment, and did not provide a good cause reason to his caseworker in a timely fashion, the caseworker correctly denied claimant's MA-P/SDA application due to claimant's failure to establish the required disability.

A careful review of the records reveals no evidence of arbitrary or capricious action by the local office in processing claimant's MA-P/SDA application.

Therefore, the denial action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested that claimant verify his disability by providing an independent medical evaluation. Furthermore, claimant failed to attend a doctor's appointment which was required in order to obtain the necessary verification of disability. In short, claimant failed to comply with the department's MA-P/SDA verification requirements in a timely fashion.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 26, 2010

Date Mailed: March 29, 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 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.

JWS/tg

cc:

