

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: 2009-24928  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 2, 2010  
Wayne 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 February 2, 2010.

ISSUE

Was noncompliance of 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 case action: Medicaid application on December 12, 2008 was denied on January 23, 2009 based on issue above for PAM 130.
- (2) On January 12, 2009, a Verification Checklist was mailed to [REDACTED] and the claimant with a return due-date of January 22, 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, except #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.

█ stated it did not receive the Verification Checklist mentioned above.

The DHS representatives testified that they mailed the Verification Checklist on January 12, 2009 to █ by a step-by-step process that had been in existence for several years: The DHS representative placed the name of the █ representative and address on the checklist and exposed it through a window envelope; she placed the envelope in a designated pick-up location for a clerk for transfer to mailroom for metered postage; that envelopes are picked up in the afternoon daily for delivery to the U.S. Postal Authority for delivery to clients; that if an envelope is returned as “undeliverable” by the U.S. Postal Authority, the envelope is placed in a client’s file; and that the claimant’s file was searched and the envelope in question had not been returned.

The [REDACTED] representative admitted that on date of mailing, the envelope had the correct [REDACTED] address; and that the [REDACTED] worker to whom the envelope was mailed was an [REDACTED] worker on the date of the mailing.

This ALJ finds by a preponderance of the evidence that the step-by-step DHS mailing process more trustworthy and reliable than the bare conclusion by the [REDACTED] representative that it did not receive the mailing and determines [REDACTED] in noncompliance with timely verification requirements.

DECISION AND ORDER

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

Accordingly, Medicaid denial is UPHELD.

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

Date Signed: March 10, 2010

Date Mailed: March 10, 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.

2009-24928/was

WAS/tg

cc:

