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: 2009-26472
Issue No: 2006; 2009
Case No: [redacted]
Load No: [redacted]
Hearing Date:
September 8, 2009
Clare 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 three-way telephone hearing was held on September 8, 2009, in Harrison. Claimant personally appeared and testified under oath.

The department was represented by Sarah Conklin (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's MA-P, during the May 2009 eligibility review, because claimant failed to prove that he had a current SSI application pending with the Social Security Administration, prior to the verification due date (May 26, 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 is a former MA-P recipient.

(2) In May 2009, the caseworker reviewed claimant's eligibility for ongoing MA-P.

(3) Claimants who wish to receive MA-P must prove that they have a current SSI application pending with the Social Security Administration, as part of the MA-P eligibility process (PEM 270, PAM 220).

(4) On May 15, 2009, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting "proof of application with Social Security by May 26, 2009."

(5) Claimant did not prove he had a current SSI application by the due date.

(6) On May 28, 2009, the caseworker sent claimant a denial notice because claimant did not verify a current application with Social Security by the May 26, 2009 due date.

(7) On June 9, 2009, claimant requested a hearing. The hearing request was not filed within the ten-day timeframe. However, the department's denial notice was defective, and the caseworker agreed to waive the ten-day hearing request rule for this reason.

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 department's manuals require that claimants cooperate with the department in establishing financial and procedural eligibility. This may be accomplished by providing an accurate statement showing that a current application for SSI benefits with the Social Security Administration does exist. PEM 270 and PAM 220.

The preponderance of the evidence in the record shows that the department's caseworker correctly requested verification of a current SSI application from claimant. Claimant had until May 26, 2009 to verify that he had a current application. Claimant failed to prove that he had a current SSI application pending before the Social Security Administration by the due date.

A careful review of the record shows that claimant failed to establish a current SSI application and therefore, the caseworker correctly closed claimant's MA-P due to claimant's failure to establish compliance with the MA-P procedural requirements. In addition, a careful review of the record reveals no evidence of arbitrary or capricious action by the local office in reviewing claimant's ongoing eligibility for MA-P.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's current application status with the Social Security Administration. Furthermore, claimant failed to comply with the MA-P procedure requirements by the designated due date.

Accordingly, 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: [redacted]