

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: 2009-26645

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 28, 2009

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on July 28, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's eligibility for Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) During April 2009, claimant was a recipient of MA. Her assistance was due for review.

(2) April 13, 2009, the department sent claimant a Verification Checklist (DHS-3503) indicating the required proofs to complete the review and set a deadline of April 23, 2009. Department Exhibit A. Claimant did not return the proofs by the deadline and did not request an extension. The department initiated case closure May 8, 2009. Department Exhibit A.

(3) May 13, 2009, claimant's mother contacted the department with questions regarding the receipt of claimant's closure notice. The department informed her that claimant should request a hearing.

(4) As of the hearing date, claimant has not provided the required proofs and the review is not complete.

#### 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).

Department manuals provide the following policy statements and instructions for caseworkers:

#### **Timeliness of Verifications**

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.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it.

### **MA Only**

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed.

### **Program Administrative Manual (PAM) 130**

#### **MA**

42 CFR 435.913(a)

42 CFR 435.916(b)

MCL 400.37

Public Law 109-171

### **Cooperation**

#### **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms.

Clients must completely and truthfully answer all questions on forms and in interviews.

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 105**

**MA**

42 CFR 431, 435

MCL 400.60(2)

**FAP**

7 CFR 271.6(a)

7 CFR 272.6(a),(b)

7 CFR 273.2(d)

7 CFR 275.12(g)

In this case, the department sent claimant proper notice that a review was due, listed the needed proofs, and set an appropriate deadline for their return. It was sent to claimant's correct address and no evidence was provided at hearing to indicate claimant has issues with mail delivery. Accordingly, a preponderance of the evidence establishes that claimant received the review materials. Claimant did not return the required proofs by the deadline as required. However, after receiving the closure notice, claimant's mother contacted the department to find out what she should do and was told to request a hearing. No evidence was provided to establish that the department also informed claimant to turn in her proofs as quickly as possible and before the closure deadline. Finding of Fact 1-4. This would have been a proper instruction for the department to give claimant as her benefits would not have terminated for 6 more days. Accordingly, it appears that claimant did not understand that the proofs could have been turned in prior to May 20, 2009 and possibly prevented her assistance from termination. As such, the department's action can not be upheld.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is HEREBY REVERSED. The department shall initiate a determination of claimant's financial eligibility for MA. A Verification Checklist shall be issued providing a 10 day deadline. Claimant shall provide all needed proofs within the 10 day deadline. Should claimant fail to provide proofs within the 10 day deadline, the department shall proceed with its action to terminate her MA benefits.

/s/  
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Jana A. Bachman  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 2, 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.

JAB/db

cc:

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