

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.: 2009-27440
Issue No.: 2006, 4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 10, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on February 10, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) based upon failure to provide verification of eligibility?

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 April 1, 2009, claimant filed an application for MA and SDA benefits.

- 2) On April 8, 2009, the department sent claimant a DHS-3503, Verification Checklist, requesting various items of verification and scheduling an interview for claimant with the department on May 4, 2009. (Department Exhibit #1.)
- 3) On May 4, 2009, claimant telephoned the department to reschedule her appointment. Claimant's appointment was rescheduled to May 6, 2009.
- 4) On May 6, 2009, claimant appeared for her interview with the department. Claimant provided some, but not all, of the requested items of verification. The department extended the due date for required items of verification until May 16, 2009.
- 5) As of May 16, 2009, the department had received no contact from claimant nor had the department received the additional required items of verification.
- 6) On May 21, 2009, the department claimant's application for benefits based upon failure to provide verification of eligibility. (Department Exhibit #2.)
- 7) On June 1, 2009, claimant filed a hearing request to protest the department's determination.
- 8) On August 28, 2009, claimant telephoned her department worker to report that she had now obtained the requested items of verification.

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).

Relevant departmental policy at the time of application regarding verification is as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements...

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level...

PAM Item 130, page 1.

Tell the client what verification is required, how to obtain it, and the due date... Use the DHS-3503, Verification Checklist ... to request verification. PAM Item 130, page 2.

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 up to three times.

Verification are considered to be timely if received by the date they are due...

PAM Item 130, page 4.

Send a negative action notice when:

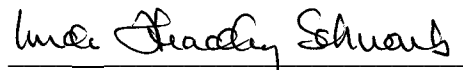
- The client indicates refusal to provide a verification, or
- The time period given has elapsed.

PAM Item 130, page 5.

In this matter, in response to claimant's April 1, 2008, application, the department sent claimant a Verification Checklist requesting various items of verification by May 4, 2009. The department, at claimant's request, rescheduled its interview with claimant until May 6, 2009. Because claimant had not provided all requested items of verification, the department extended the due date for required items of verification until May 16, 2009. The record supports a finding that claimant did not contact the department to request additional extensions and that claimant did not submit the requested items of verification. Accordingly, it must be found that the department followed law and policy when it denied claimant's application on May 21, 2009, for failure to provide requested items of verification. The department will not extend a time limit for submission of verification unless an applicant or client requests an extension. In this matter, claimant did not contact the department on or before the last due date of May 16, 2009. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for Medical Assistance and State Disability Assistance based upon failure to provide verification of eligibility. Accordingly, the department's action in this matter is hereby affirmed.


Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: March 30, 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.

LSS/pf

cc:

