

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.: 2009-27517
Issue No.: 2021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 8, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant request for hearing received by the Department on May 28, 2009. After due notice, a hearing was held in Redford, Michigan on Monday, March 8, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED] ner of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") applicaton based upon the failure to provide requested verifications?

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application seeking Medical Assistance ("MA-P") benefits on March 30, 2009.

2. On April 2, 2009, the Medical Review Team (“MRT”) deferred the disability determination requesting additional medical documentation. (Exhibit 1, p. 1)
3. On April 9, 2009, the Department sent a Verification Checklist to the Claimant (and hospital) specifically requesting the nephrology biopsy report from the January 2009 admission. (Exhibit 2)
4. The Claimant denied receipt of the Verification Checklist.
5. On April 27, 2009, the application was denied based on the failure to submit the requested verifications. (Exhibit 3)
6. On May 28, 2009, the Department received the Claimant’s timely request for hearing. (Exhibit 4)

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, formerly known as the Family Independence Agency, 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”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications

are considered timely if received by the due date. *Id.* An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110

In the record presented, the MRT requested a copy of a biopsy report from January 2009. As a result, the Department sent a Verification Checklist to both the Claimant and hospital requesting the report be submitted by April 21, 2009. No information was received however the Claimant denied receipt of the Verification Checklist. The Claimant's testimony was straightforward and credible, and there was no evidence that she had refused to cooperate. There was no further communication between the Department and the Claimant until she received the denial notice. Ultimately, under these facts, it is found that the Department's determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall re-open and process the Claimant's March 30, 2009 MA application in accordance with department policy.
3. The Department shall notify the Claimant and her authorized representative in writing of the determination in accordance with department policy.

4. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/10/2010

Date Mailed: 3/10/2010

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 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.

CMM/jlg

cc:

