

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: 2009-29755

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 11, 2010

Jackson 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 March 11, 2010.

ISSUE

Was noncompliance with 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/SDA application on February 2, 2009 was denied on April 27, 2009 based on noncompliance with timely verification requirements per BAM 130.

(2) On February 2, 2009, the DHS sent the claimant a Verification Checklist to be completed and returned by February 13, 2009; the requested verification was not returned 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.

The claimant testified under oath that he never received the mailed Verification Checklist.

The DHS testified that she was a substitute worker who had not mailed the checklist to the claimant, and could not say for sure if or how the original worker mailed the checklist to the claimant.

This ALJ finds the claimant's testimony under oath more trustworthy and reliable than the hearsay statement by the absent DHS worker, and finds that the claimant did not receive the mail in question.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that noncompliance with timely verification requirements was not established.

Accordingly, the Medicaid/SDA denial is REVERSED, and reprocessing of the claimant's application within ten work days is ORDERED.

/s/


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

Date Signed: April 5, 2010

Date Mailed: April 22, 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.

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