

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: 2009-31391
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 15, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 October 15, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA) application?

FINDINGS OF FACT

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

1. On December 1, 2008 an application for MA was filed.
2. On December 28, 2008 the Department sent a verification request asking for verifications of items except for bank accounts. This material was due back by January 8, 2009.

3. On January 8, 2009 the Claimant had complied with requested verifications.
4. On May 6, 2009 the Department sent a new verification checklist requesting bank statements for month of December 2008.
5. On or about May 18, 2009 the Claimant brought in a bank statement dated in December but for the month of November 2008. The Department asked him to secure the December statement and told him to get it in as soon as possible.
6. On or about May 26th or 27th, 2009 the Claimant dropped off a copy of the December bank statement.
7. On June 1, 2009 the Department denied the application for failure to return the bank statement.
8. On June 3, 2009 the Claimant brought in the bank statements again.
9. On June 27, 2009 the Claimant requested a hearing.

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).

In the present case, the Department testified the Claimant's MA application was denied based upon his failure to provide a bank statement. The Claimant testified he had attempted to comply with the request on or about May 18, 2009 due date when he brought in a statement dated December 2008. However this statement was for the month

of November 2008. The Department testified they instructed the Claimant to provide the document as soon as possible and they extended the due date. The Claimant was verbally told to have it back as soon as possible. No date for the document to be due was given or noted.

The Department extended the due date for the verifications to be due however failed to specify a date for them to be due. Without a date being provided to the Claimant the Department cannot reasonably deny the application for failure to return the document by a certain date when no date was given. Therefore the Department improperly denied the Claimant's December 2008 application.

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 was not acting in compliance with Department policy when it denied the Claimant's application dated December 1, 2008.

Accordingly, the Department's decision in this regard be and is hereby REVERSED, the Department shall initiate a review of the December 1, 2008 application and open the Claimant's case back to the date of application if otherwise eligible.

/s/
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/20/09

Date Mailed: 10/20/09

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.

JWO/at

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