

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: 2009-31794
Issue No: 2005; 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 8, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 September 8, 2009. Claimant was represented at the administrative hearing by [REDACTED]. Claimant did not appear.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's 12/30/08 Medical Assistance (MA-P) application on the grounds that claimant failed to comply with information necessary to determine 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) Claimant did not appear at the administrative hearing. Claimant's representative was unaware of her whereabouts. DHS had information that claimant moved out of state in

April, 2009, from the DHS CPS Division. [REDACTED] records indicate that claimant had moved out of state and had no contact with [REDACTED]

(2) On 12/30/2008, the DHS received an application for MA for claimant [REDACTED] applied for three months of retro MA.

(3) DHS requested proof of identity/citizenship by requesting on a number of verification checklists repeatedly that claimant provide verification of a birth certificate.

(4) [REDACTED] requested numerous extensions, which were granted by the department.

(5) [REDACTED] stipulated at the administrative hearing that it was unable to obtain a birth certificate for claimant as claimant left the state before signing a release.

(6) The DHS ran a DCH birth registry search which resulted in the following find: “Resulted in zero records.” Exhibit 65.

(7) On 6/18/2009, the DHS denied claimant’s application for the following reason: “You failed to provide the department with information necessary to determine eligibility.” BAM Item 130.

(8) On 7/2/09, claimant filed a hearing request. SOAHR incorrectly processed the case as a disability case rather than a verification case.

(9) Claimant was not available at the administrative hearing for testimony and/or cross-examination.

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).

Applicable policy and procedure to the case herein is found in BEM Item 221--Identity, BEM Item 225--See Citizenship/Alien Status. Federal and state law require the identity/citizenship of those individuals receiving welfare benefits for Medicaid to be verified. MCL 400.105; Deficit Reduction Act (DRA) of 2005, Public Law 109-171, Subsection 1903(x) of the Social Security Act.

In this case, claimant's representative requested at least three extensions which were all granted by the department. Unrefuted evidence on the record is that a birth certificate was not delivered to the department or verified by claimant's representative. The department ran a birth registry search finding "zero records." [REDACTED] stipulated at the administrative hearing that the applicant moved out of state prior to [REDACTED] being able to obtain a necessary release form.

As noted above, federal and state law require proper verification of identity/citizenship in order for there to be any eligibility for full MA. In this case, the department did not receive the requested verification(s) of claimant's identity and citizenship. Thus, there is no eligibility; the department's denial was correct and must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's denial was correct.

Accordingly, the department's denial is hereby UPHELD.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 18, 2009

Date Mailed: September 18, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JS/cv

cc:

