

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: 2009-33875

Issue No: 2006/4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 14, 2010

Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 January 14, 2010.

ISSUE

Whether the department properly determined claimant's eligibility for Medical Assistance (MA) and State Disability Assistance (SDA).

FINDINGS OF FACT

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

(1) February 12, 2009, the department received claimant's application for MA and SDA.

(2) February 18, 2009, the department sent claimant a Verification Checklist (DHS-3503) indicating required proofs and setting a deadline and interview date of March 3, 2009.

(3) Claimant returned part but not all required verifications and was given an extension to provide the additional required proofs.

(4) July 21, 2009, the department denied claimant's application due to failure to provide required proofs. Department Exhibit A.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

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

Obtain verification when:

- Required by policy.
- Required as a local office option.
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory.

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

Tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but department must assist if client requests and needs help.

Allow the client ten 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. Verifications are considered to be timely if received by the date they are due. Send a Negative Action Notice when:

- Client indicates refusal to provide verification, or
- Time period given has elapsed.

Bridges Administrative Manual (BAM) 130; Annual Appropriations Act; 42 CFR 435.913(a); 42 CFR 435.916(b); MCL 400.37; Public Law 109-171.

In this case, the department properly sent claimant a Verification Checklist detailing proofs needed for a determination of eligibility. Claimant was granted numerous extensions, but proofs were not provided. July 21, 2009, the department denied the application. Finding of Fact 1-4.

After careful examination of the record, the Administrative Law Judge decides that a preponderance of evidence establishes that claimant was properly given an opportunity to

provide required verifications and did not do so. Accordingly, the department has met its burden of proof and the denial of claimant's application 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 of Human Services acted in compliance with department policy when it determined claimant's eligibility for Medical Assistance and State Disability Assistance.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 20, 2010

Date Mailed: January 21, 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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cc:

