

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: 2009-36292
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2009
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, an in-person hearing was held on Tuesday, October 20, 2009. The claimant was not present, but was represented by her authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) benefits based upon the fact that the claimant did not provide the required verification?

FINDINGS OF FACT

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

- (1) On March 27, 2008, [REDACTED] applied for MA for the claimant.

(2) On March 30, 2009, the department caseworker sent the claimant and [REDACTED] a Verification Checklist, DHS-3503, requesting additional written verification to determine MA eligibility that was due on April 11, 2009 of pay stubs for December 3, 2008 and December 31, 2008.

(3) On April 10, 2009, [REDACTED] requested an extension for more time that was given to the department caseworker.

(4) On April 15, 2009, [REDACTED] submitted to the department verification for the claimant with two pay stubs dated December 17, 2008 and January 14, 2009. (Department Exhibits A & B)

(5) On May 11, 2009, the department caseworker denied the application because [REDACTED] or the claimant did not provide the required pay stub verification for the caseworker to determine eligibility and [REDACTED] or the claimant did not indicate that they were unable to collect the correct pay stub verification.

(6) On August 4, 2009, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.

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 department manuals provide the following relevant policy statement and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In this case, the department sent a Verification Checklist on March 30, 2009 to determine eligibility for MA for the month of December 2008 through pay stubs that were due April 11, 2008. The claimant's authorized representative testified that they submitted the required verification and two pay stubs. They did not realize that they did not submit the correct pay stubs for the pay period involved. The authorized representative stated that the department did not inform them that they did not submit the correct pay stub.

The department caseworker testified that the Verification Checklist dated March 30, 2009 listed the request for pay stubs for December 3, 2008 and December 31, 2008, which was not received by the extended due date and [REDACTED] did not ask for additional time.

This Administrative Law Judge has reviewed the record and the two pay stubs submitted were for December 17, 2008 and January 14, 2009 in comparison to the department requested pay stubs for December 3, 2008 and December 31, 2008. The pay stubs that should have been requested for the month of December 2008 were December 3, 2008, December 17, 2008, and

December 31, 2008. The department did not request the correct pay stubs and [REDACTED] did not submit the correct pay stubs or the pay stubs requested by the department.

Therefore, the department has not established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification. The correct pay stubs to determine eligibility for the month of December 2008 are December 3, 2008, December 17, 2008, and December 31, 2008. The department already has the pay stub dated December 17, 2008, but is missing the pay stubs dated December 3, 2008 and December 31, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not appropriately deny the claimant's MA benefits because the claimant did not provide the required verification.

Accordingly, the department's decision is **REVERSED**. The department is ordered to send out a new Verification Checklist requesting the pay stubs for December 3, 2008 and December 31, 2008 through a Verification Checklist giving [REDACTED] and the claimant ten (10) days and 10 days only to provide the pay stub to determine eligibility for December 2008.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2009

Date Mailed: November 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 receipt date of the rehearing decision.

CGF/vmc

cc:

