

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No: 2009-6021

Issue No: 2006

Case No: ██████████

Load No: ██████████

Hearing Date:

February 18, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 Hearing received by the Department on November 5, 2008. After due notice, a hearing was conducted from Pontiac, Michigan on Wednesday, February 18, 2009. The Claimant's authorized representative, ██████████ appeared and testified. ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") and State Disability Assistance ("SDA") application.

FINDINGS OF FACT

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

1. The Claimant is represented by ██████████
2. On January 31, 2008, ██████████ submitted a public assistance application on behalf of the Claimant seeking MA-P, Retro MA-P from October 2007, and SDA benefits.

3. An Authorization to Represent the Claimant was submitted with the application.
(Exhibit 1)

4. On June 18, 2008, the Department sent a Verification Checklist to the Claimant requesting documentation be submitted to the Department by June 30, 2008. (Exhibit 2)

5. The Department failed to send the Verification Checklist to the Claimant's authorized representative.

6. On July 24, 2008, the Medical Review Team ("MRT") deferred the disability determination requesting the Department schedule consultative examinations for the Claimant.
(Exhibit 3, pp. 1, 2)

7. In response, the Department sent the Claimant Medical Appointment Confirmations on [REDACTED] and [REDACTED], instructing the Claimant to attend the physical and psychological examinations. (Exhibit 4)

8. The authorized representative was not notified of the scheduled appointments.

9. The Claimant failed to attend the evaluations.

10. As a result, on August 25th, the Department sent the Claimant a denial notice based upon the failure to attend the scheduled examinations. (Exhibit 5, pp. 1, 2)

11. On November 5, 2008, the Department received a written hearing request from the authorized representative on behalf of the Claimant, protesting the denied application.
(Exhibit 6)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, 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”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105, p. 5 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130, p. 1 Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4 If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110, p. 7 In the record presented, the Department received the Claimant’s signed Authorization for Patient Representation along with the MA application. Accordingly, the requested verifications and appointment notices should have been sent to the authorized representative who “stands in” for the Claimant. Under this scenario, the Department failed to establish it acted in accordance with Department policy when it denied the Claimant’s MA application. Accordingly, the Department’s MA denial is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department’s denial of the Claimant’s MA application is not upheld.

Accordingly, it is Ordered:

1. The Department’s denial of the MA application is REVERSED.
2. The Department shall re-open and process the Claimant’s July January 31, 2008 application in accordance with department policy.

3. The Department shall re-schedule the MRTs consultative examination requests in accordance with department policy.
4. The Department shall supplement the Claimant for any lost benefits she was entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/ _____
Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 3, 2009

Date Mailed: March 5, 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 60 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.

CMM

cc:

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