

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: 2009-6026
Issue No: 2006; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 23, 2009
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 received by the Department on November 7, 2008. After due notice, a telephone hearing was conducted from Flint, Michigan on July 23, 2009. The claimant, [REDACTED], appeared and testified. Alysia Sims, Assistant Payment Supervisor, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's application 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. On August 26, 2008, claimant filed an application for Medical Assistance (MA) and State Disability Assistance (SDA).
2. Claimant was sent a Verification Checklist (DHS-3503 and DHS-3503C) on August 26, 2008, requesting him to provide medical documentation and proof of U.S. citizenship in order to determine his eligibility. (Exhibit #1)
3. Verifications were to be returned by September 6, 2008.
4. Claimant indicated he is disabled and asked for Department assistance in acquiring his birth certificate but it was not provided.
5. On October 10, 2008, the Department issued an Application Eligibility Notice (DHS-1150) denying benefits for failure to provide the required verification. (Exhibit #2)
6. Claimant requested a hearing on November 7, 2008. (Exhibit #3)
7. Department confirmed claimant provided a copy of his birth certificate with his hearing request on November 7, 2008.

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).

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly

known as the Family Independence Agency) 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of the necessary forms. PAM 105, p. 5. Claimants must take action within their ability to obtain verification. The local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed ten (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, despite a reasonable effort, the time limit should be extended up to three times. *Id.*

In the record presented, the Department did not receive proof of U.S. citizenship and denied claimant's entitlement. Claimant requested, but indicated he was denied assistance in acquiring his State of Michigan birth certificate. Claimant made reasonable efforts to acquire it himself and eventually was able to obtain it and furnish it to the Department (with his request for hearing) on November 7, 2008.

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the date of the hearing. The Department provides an Administrative Hearing to review the Department decision and determine if it is appropriate.

In the present case, claimant is contesting the denial of his August 26, 2008 application for Medical Assistance (MA) and State Disability Assistance (SDA). Claimant's asserts he is disabled and requested, but was denied, assistance in acquiring verification of his citizenship in order for the Department to determine his eligibility. The Department could not establish they made any attempts on claimant's behalf to provide this assistance. The Department did not act in accordance with departmental policy when they denied Claimant's application for MA and SDA for failure to cooperate.

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 claimant's application for MA and SDA for failure to cooperate is REVERSED.

Therefore, it is ORDERED that the Department shall reinstate and process his application of August 26, 2008 for MA and SDA in accordance with departmental policy.

| /s/ _____
Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 28, 2009

Date Mailed: July 30, 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 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.

LDD/law

cc:

