

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.: 2009-7500
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 20, 2009
Oakland County DHS (2)

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 the personal representative's request for hearing received on November 11, 2008. After due notice, a hearing was conducted from Madison Heights, Michigan on August 20, 2009. [REDACTED], the Personal Representative, and [REDACTED] appeared on behalf of the Claimant/decedent. [REDACTED] appeared on behalf of the department.

ISSUE

Whether the Department properly denied the Claimant/decedent's Medical Assistance 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. On [REDACTED], the Claimant was admitted to the hospital.
2. On [REDACTED], the Claimant died.

3. On March 31, 2008, the Oakland County Probate Court entered the Letters of Authority for Personal Representative. (Exhibit 3)
4. The Letters of Authority did not contain the Personal Representative's complete address. (Exhibit 3)
5. On this same date, an application for MA benefits was received from a ██████ County Hospital on behalf of the Decedent.
6. The application was registered and transferred to the ██████ County DHS office. (Exhibit 7)
7. On August 7, 2008, the Department sent Verification Checklists to the decedent's address of record and to the Personal Representative at the address listed on the Letters of Authority. (Exhibits 2, 4)
8. The Personal Representative denied receipt of the Verification Checklist.
9. The Department's case file did not contain any returned mail as undeliverable.
10. On August 25, 2008, the Department denied the application based upon the failure to return the requested verifications. (Exhibit 1)
11. The Personal Representative denied receipt of the denial notification.
12. On or about October 29, 2008, the Personal Representative received notification of the denial through the ██████ County Hospital's Facility Admission Notice.
13. On November 11, 2008, the Department received the Personal Representative's timely written Request for Hearing. (Exhibit 5)
14. The case worker of record did not participate in the hearing process.

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, formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

A request for public assistance may be in person, by mail, telephone or through by an internet application. PAM 110 An application is incomplete until enough information is provided to determine eligibility. PAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105 An authorized representative may be court appointed. PAM 110 Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130

In this case, the Claimant died while in the hospital on [REDACTED]. On March 31, 2008, an application for MA benefits along with the Letters of Authority entered by the probate court were received by the Department. The Personal Representative’s address listed on the Letters of Authority was not complete in that it did not include the suite number. Subsequently, the case was transferred to Oakland County. On August 7, 2008, the Department mailed the Verification Checklist to the Personal Representative at the address contained on the Letters of Authority. The Personal Representative testified credibly that the Verification Checklist was not

received. Further, the Personal Representative was unsuccessful in communicating with the Department directly regarding the status of the application. On August 25, 2008, the Department denied the application based upon the failure to return the requested verifications. The Personal Representative denied receipt of the notification and instead, learned of the denial through the hospital's Facility Admission Notice. A timely written Request for Hearing was received by the Department. There was no evidence that the Personal Representative had refused to cooperate or was otherwise non-compliant. Instead, the record established the Personal Representative was in contact with the hospital regarding the status of the application. Further, the Personal Representative attempted to communicate with the Department directly without success and had secured the necessary documentation to process the application. Although the Department established it acted in accordance with Department policy when it mailed the Verification Checklist to the address contained on the Letters of Authority, under this factual scenario and in light of the overall purpose of the MA program, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's determination is not upheld.

Accordingly it is ORDERED:

1. The Department shall re-register and process the Claimant/Decedent's March 31, 2008 application.
2. The Department shall notify the Personal Representative in writing of the determination.

3. The Department shall supplement for any lost benefits (if any) the Claimant/Decedent was entitled to receive if otherwise eligible and qualified.

/s/

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

Date Signed: 08/27/09

Date Mailed: 08/31/09

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.

CMM/jlg

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