

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: 2009-8211
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2009
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 June 24, 2009, in Port Huron. Claimant personally appeared and testified under oath.

The department was represented by Leonard Garza (FIM).

ISSUE

Did the department correctly deny claimant's MA-P application due to claimant's failure to comply with the department's verification procedures by the due date?

FINDINGS OF FACT

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

- (1) Claimant is an MA-P applicant.
- (2) On September 12, 2008, claimant applied for MA-P benefits.

(3) On October 7, 2008, the caseworker sent claimant a Verification Checklist (FIA-3503) asking claimant to verify his income and assets as well as other information, by October 7, 2008. The checklist was mailed to claimant's correct address.

(4) The post office did not return the checklist to the department.

(5) Claimant failed to provide any information to the department in support of his application by the due date of October 7, 2008.

(6) On October 17, 2008, the caseworker sent claimant an Eligibility Notice (DHS-1150) denying claimant's MA-P application due to his failure to provide the required eligibility verification by the due date.

(7) On October 24, 2008, claimant requested a hearing.

(8) Claimant thinks the department's action was unfair because he did not receive the Verification Checklist which the caseworker mailed on September 17, 2008. Although claimant did not receive the Verification Checklist in September 2008, he did receive the Application Eligibility Notice which was mailed in October 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 (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).

Current department policies require MA-P applicants to cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms and appearing for a face-to-face meeting when requested. PAM 105. Cooperation also includes the requirement that applicants provide verification of household composition, household income, and household assets when requested. PAM, Items 110 and 115. PEM 260.

The preponderance of the evidence in the record shows that claimant failed to verify his eligibility factors, as requested, by the October 7, 2008 due date.

The caseworker correctly requested verification of claimant's MA-P eligibility factors and correctly established a due date of October 7, 2008. Claimant did not contact the worker and did not request an extension.

Based on a careful review of the record, the caseworker correctly denied claimant's MA-P application due to his failure to provide the required eligibility verifications requested by the department on the DHS-3503.

In addition, a careful review of the record reveals no evidence of arbitrary or capricious action by the department in processing claimant's MA-P application.

Therefore, the denial action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's eligibility factors and correctly established a due date for providing the information of October 7, 2008. Furthermore, claimant failed to comply with department's eligibility verification promised by the due date.

Accordingly, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 29, 2009

Date Mailed: January 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.

JWS/tg

cc:

