

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: 2009-11889
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Roger Winkleman

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 hearing was held on Wednesday August 12, 2009 at 9:55 a.m. The claimant's request for hearing was received on September 11, 2008. The claimant appeared with her authorized representative [REDACTED]. [REDACTED], program manager and [REDACTED], family independent specialist appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the customer's application for medical assistance?

FINDINGS OF FACT

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

1. [REDACTED] is [REDACTED] authorized representative.

2. The Department of Human Services (DHS or Department) sent by mail to the claimant a verification checklist on August 15, 2008 due to the worker on August 27, 2008.
3. The worker did not receive verification of income and so the application was denied on August 27, 2008.
4. The authorized representative stated she gave the worker a letter detailing the income for the customer but this was denied by the worker and no copy of the letter was produced at the hearing.
5. A DHS-1150, Application Eligibility Notice was mailed to the claimant on August 27, 2008.

CONCLUSIONS OF LAW

The Medical Assistance 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 ("Department"), formerly 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, and the Program Reference Manual.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms under PAM 105, Item 105. This includes completing necessary forms. Customers must take actions within their ability to obtain verification. The local office must assist customers who ask for help in completing forms and gathering verification. Particular sensitivity must be shown to customers who are illiterate, disabled, or not fluent in English. The Department must allow the client 10 calendar days (or other time limit specified in policy) to provide verification requested. If the client cannot provide the verification despite a reasonable effort, the Department must extend the time limit at

least once. The Department is to send a negative action notice when (a) the client indicates a refusal to provide verification, or (2) the time period has elapsed and the client has not made a reasonable effort to provide it. Only adequate notice is required for application denial under PAM, Item 130. An authorized representative is a person who applies for assistance on behalf of the client and /or otherwise acts on his behalf. PAM, Item 110. The authorized representative assumes all the responsibilities of a client under PAM, Item 110.

In our case, the Department did not get verification of income for the customer. Claimant's representative argued that the information was provided. However this Administrative Law Judge there is insufficient evidence to show that verification was provided. The claimant has failed to show good cause for failure to provide the information. Claimant therefore has failed to cooperate in determining eligibility. As a result the decision by the Department to deny the application is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny the application is UPHELD.

/s/ _____
Roger Winkleman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/24/09

Date Mailed: 08/27/09

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

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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.

RW/jlg

cc:

