

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: 2009-12112
Issue No: 2006; 2007
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 10, 2009
Kent 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 November 10, 2009, in Grand Rapids. Claimant personally appeared and testified under oath.

The department was represented by Amy Wright (FIM) and Paul Gorley (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application (October 30, 2008) due to claimant's failure to verify her asset eligibility by the due date (November 17, 2008)?

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 applicant. Her application was received on October 30, 2008.

(2) Claimant's daughter is a DHS employee and assisted her mother on with her application.

(3) On November 3, 2008, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting verification of claimant's assets. The notice was sent to claimant at her residence ([REDACTED]). The due date for returning the asset verifications was November 17, 2008.

(4) Claimant never received the DHS-3503. She didn't know that her application could not be processed without verification of her assets, as requested.

(5) On November 4, 2008, the caseworker notified the claimant with a DHS-1150 Application Eligibility Notice, that claimant's MA application had been denied due to claimant's failure to verify her assets by the due date. The DHS-1150 Application Eligibility Notice was sent to claimant at the [REDACTED].

(6) Claimant has received the Application Eligibility Notice.

(7) On December 10, 2008, claimant requested a hearing.

(8) At the time of the hearing, claimant had not filed a substitute application for MA.

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).

The department's policy manuals require that clients cooperate with the department in establishing financial and medical eligibility. This may be accomplished by providing the information requested on the DHS-3503 Verification Checklist. PEM 500, 550 and PAM 210. See also PEM 260 and 261.

The preponderance of the evidence in the record shows that the department caseworker correctly requested verification of claimant's assets in order to determine her eligibility for MA. Claimant did not receive the Verification Checklist (DHS-3503), and thereby failed to return the required forms by the due date.

After a careful review, the record shows that claimant failed to establish a *prima facie* case for MA eligibility by the due date of November 17, 2008. For this reason, the caseworker correctly denied claimant's application on December 4, 2008.

There is no evidence on this record of arbitrary or capricious action on behalf of the department in processing claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA application due to claimant's failure to verify her assets, as required, by November 17, 2008.

Therefore, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 2010

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 mailing 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:

