

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: 2009-12326
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 4, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, May 4, 2010. The claimant personally appeared and testified on her own behalf with [REDACTED]

ISSUE

Did the department properly determine that neither the claimant nor her authorized representative submitted an application on September 12, 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) On August 4, 2008, the claimant applied for Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

(2) On August 6, 2008, the department caseworker mailed the claimant a Verification Checklist, DHS-3503, for an in-person interview on August 12, 2008 at 8:30 a.m. to provide the required verifications. (Department Exhibit C)

(3) On August 21, 2008, the claimant was mailed a missed appointment letter with a due date of September 3, 2008. (Department Exhibit A)

(4) On September 8, 2008, the department caseworker pended the claimant's August 14, 2008 application for closure because the claimant failed to provide the requested verifications and sent the claimant a denial notice. (Department Exhibit B)

(5) During the hearing, the department caseworker stated that the claimant submitted a My Child application and that the children were currently active with medical benefits.

(6) During the hearing, the authorized representative stated [REDACTED] submitted a copy of a September 12, 2008 application on behalf of the claimant.

(7) During the hearing, the department caseworker could not find the September 12, 2008 application in the file.

(8) During the hearing, there was some confusion about the claimant's application filed August 14, 2008 and the [REDACTED] application filed September 12, 2008.

(9) On May 7, 2010, the authorized representative submitted written verification of the September 12, 2008 application by showing that the application was received by registered mail at the Washtenaw DHS on September 12, 2008 by providing certified mail receipts to verify the submission of the application. (Claimant Exhibit 1)

- In addition, [REDACTED]. provided Legacy registration verification showing the application was received on September 12, 2008 and disposed of on October 29, 2008. (Claimant Exhibit 2-3)

- In addition, there was e-mail correspondence between [REDACTED] and DHS about the September 12, 2008 application. (Claimant Exhibit 4-10)

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 program manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

ELIGIBILITY DECISIONS

Denials

All Programs

If the group is ineligible **or** refuses to cooperate in the application process, send a denial notice within the standard of promptness. PAM, Item 115, p. 15.

In the instant case, the claimant filed an application on August 14, 2008, which was appropriately denied by the department because the claimant missed her appointment and failed to provide the required verifications. However, [REDACTED] filed a subsequent application on September 12, 2008 which [REDACTED] has verified through subsequent documentation that they submitted an application. There is no record that the department did anything to process the September 12, 2008 [REDACTED] application besides a denial notice dated October 29, 2008.

Therefore, the department has not established that it was acting in compliance with department policy by not processing the [REDACTED] September 12, 2008 MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not appropriately process the September 12, 2008 MA application.

Accordingly, the department decision is **REVERSED**, The department is ordered to reprocess the claimant's September 12, 2008 application with the assistance of [REDACTED]

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2010

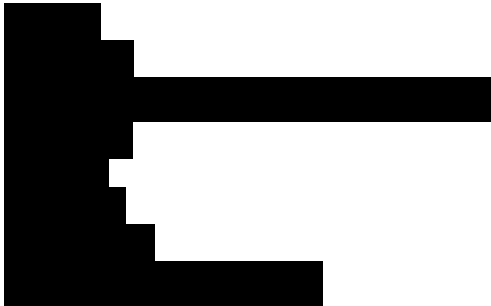
Date Mailed: June 23, 2010

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.

CGF/vc

cc:

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