

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: 2009-13516
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 4, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 4, 2009.

ISSUE

Was completed written verification of application established?

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 October 23, 2007, the claimant died.
- (2) On January 30, 2008, [REDACTED] filed an incomplete MA application (only last page of application).

(3) On March 7, 2008, the DHS sent a Verification Checklist to [REDACTED] with a return due-date of March 20, 2008, which information regarded bank statements and claimant's identification, and all assets.

(4) On March 20, [REDACTED] requested an extension of the verification due date.

(5) On April 9, 2008, the extended due date was requested by [REDACTED].

(6) On April 15, 2008, the second Verification Checklist was sent to [REDACTED] with a return due-date of April 30, 2008 requesting information regarding life insurance, death certificate, completed application, citizenship, status of pending divorce, and pending disposition of assets.

(7) The due date was extended to May 30, 2008 at [REDACTED] request; all the requested verifications were not submitted.

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).

BAM 105 requires a complete written application before processing.

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.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

█ claims that on October 16, 2007, it provided the DHS with the completed written application verification at the DHS Fax No. 313-387-2853. This information was before date of application and not on date of application.

The DHS representative testified that such fax number does not exist at her DHS on the date of question.

█ also stated that it provided the DHS with verifications on March 20, 2008 by Fed-Ex of citizenship, status of pending divorce and status of pending assets; and that he had a signed receipt by the DHS representative. No verification of a signed receipt was introduced into evidence.

The DHS representative testified to a five-year step-by-step procedure for delivery of a Fed-Ex information: after the clerk signs the Fed-Ex receipt, the delivery is transferred to a group of DHS employees for sorting purposes and transferred to the involved caseworker's mailbox. The representative stated that she did not receive this delivery in question; and that she searched the claimant's file and there was no such delivery in the file.

The undisputed facts above show that █ had several verification extensions in order to comply with timely verification requirements. It claims the life insurance verification was submitted on June 4, 2008 by Fed-Ex. But, it was untimely, because the last extension due-date was on May 30, 2008. Anyway, it did not verify the current disposition requested by DHS.

This ALJ is not persuaded that a completed written application nor compliance with timely verifications thereof were established by the preponderance of the evidence of record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that completed written verification of application was not established.

Accordingly, the Medicaid denial is UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 16, 2009

Date Mailed: November 17, 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.

WAS/tg

cc:

[REDACTED]