

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: 2009-14659
Issue No: 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 30, 2009
Jackson 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, an in-person hearing was held on April 30, 2009, in Jackson. Claimant did not appear. Claimant was represented at the hearing by [REDACTED] from [REDACTED].

The department was represented by Amy Connell, FIM (for John Anderson (FIM)).

ISSUE

Did the department correctly deny claimant's MA-N application (October 29, 2008) because claimant failed to verify his credit union assets, as requested?

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 29, 2008, claimant filed an MA-N application (DHS-1171) requesting retro MA-N benefits for September 2008.

(2) On November 13, 2008, the caseworker sent claimant a Verification Checklist requesting that claimant verify his income and assets for eligibility purposes. The due date for the requested information was November 24, 2008.

(3) Claimant provided the requested bank statements, and all other relevant information on November 12, 2008.

(4) On December 16, 2008, the department denied claimant's September 2008 MA-N application because he did not properly verify an amount of [REDACTED], which was reported, but not fully explained.

(5) On January 26, 2009, claimant requested a hearing.

(6) On April 8, 2009, the caseworker called claimant and requested that he explain his [REDACTED] pay. Subsequently, claimant provided information that the [REDACTED] was [REDACTED] pay that had been deposited in his checking account in [REDACTED] and subsequently transferred to a bank account in [REDACTED].

(7) Claimant thinks that the Navy pay had been deposited several months prior to his October 29, 2008 application and it was therefore an asset at the time he applied for MA-N with the local office.

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).

Under current department policy, the department cannot issue MA-N benefits unless it has complete verification of all earned income and assets. See PEM 210 and 220. In addition, the department policy requires participants to cooperate with the department in establishing ongoing eligibility for benefits. PEM 220.

The crux of this case is whether claimant adequately explained the amount of [REDACTED] which he reported on his application in October 2008.

The caseworker was apparently confused about whether the [REDACTED] was income or assets. However, claimant submitted his bank statements from the [REDACTED] bank and the [REDACTED] bank show that the money was not income but was an asset which had been deposited by [REDACTED] in the [REDACTED] bank several months prior to claimant's MA-N application.

Based on a careful review of the entire record, the Administrative Law Judge concludes that claimant did follow the department's requirements in reporting his assets and income and in answering the questions asked by the caseworker specifically with regard to the [REDACTED] transfer between the claimant's bank in [REDACTED] to the bank in [REDACTED].

Therefore, the Administrative Law Judge concludes that claimant did adequately document his eligibility for MA, and did properly and did clearly explain the origin of the [REDACTED] transfer which the caseworker inquired about. Claimant made a good faith effort to verify his eligibility and to show compliance with the department's verification requirements.

Based on a careful assessment of the entire record, the Administrative Law Judge concludes that claimant did establish his financial and income eligibility for MA-N to support his October 29, 2008 application based on failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's October 29, 2008 MA-N application based on failure to cooperate.

The department shall reopen claimant's October 29, 2008 application for MA-N benefits and determine, within 30 days of the "date mailed" below, claimant's eligibility for the programs requested.

Accordingly, the department's action is, hereby, REVERSED.

SO ORDERED.

/s/

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

Date Signed: April 8, 2009

Date Mailed: April 11, 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

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cc:

