

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: 2009-14802
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 20, 2009
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Lawrence Hollens

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 received by the Department on January 20, 2009. After due notice, a telephone hearing was conducted from Livonia, Michigan on August 20, 2009. The representative for the claimant, [REDACTED], participated through the authorized representative [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's medical assistance application?

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 July 23, 2008, claimant applied for medical assistance and state disability assistance.

- (2) On August 15, 2008, a checklist was sent to [REDACTED] the claimant's duly authorized representative.
- (3) On August 25, 2008, verifications were due.
- (4) [REDACTED] requested two separate extensions and such extensions were granted.
- (5) On October 28, 2008, a denial was sent to the authorized representative as well as the client.
- (6) The Department believed they did not have the verification of the doctor's appointment requested by the Medical Review Team.
- (7) Neither the Department nor [REDACTED] have any contact with the claimant due to the individual being homeless with no known address or phone number through the date of this hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM). Clients must cooperate with the local office in determining initial amount of Medicaid eligibility to include the conclusion of the necessary forms PAM 105, page 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statement, PAM 130, page 1.

If the client cannot provide the verification for medical assistance purposes, the time limits should be extended. Verifications are considered timely if received by the due date.

In this matter, no verification was ever received from the client or the duly authorized representative. The Medical Review Team had requested a doctor's appointment and no doctor's appointment were completed. The reason for no doctor's appointment being completed through the date of this hearing was because claimant is homeless with no cell phone, house phone and is unable to be contacted by either the Department or by the duly authorized representative, [REDACTED]

Under this scenario, the Department has established that it acted in accordance with Department policy when it denied the claimant's application. Accordingly, the Department's denial is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department's denial of the claimant's application is upheld.

Accordingly, it is ordered that the Department's denial of the claimant's application is **AFFIRMED**.

/s/
Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/31/09

Date Mailed: 08/31/09

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 motion where the final decision cannot be implemented within 90 days of the filing of the original request.

2009-14802/LH

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.

LH/kdj

cc:

