

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: 2009-14919

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 29, 2009

Jackson 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 Thursday, October 29, 2009. The claimant personally appeared and testified on her own behalf.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application because the claimant did not provide the required verification?

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 November 6, 2008, the claimant applied for MA.
- (2) On December 16, 2008, a New Hire Employment Notice was sent to the claimant with a due date of December 26, 2008. (Department Exhibit A)
- (3) On December 26, 2008, the department caseworker sent the claimant a denial notice because she failed to return the required verification.
- (4) On January 14, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
- (5) During the hearing, the claimant testified that she did not receive the form.
- (6) During the hearing, the department caseworker testified that the claimant was working or receiving unemployment compensation for the contested time period, which would make her ineligible for MA based on disability.

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 Eligibility Manual provides the following 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.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. 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.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In the instant case, the claimant applied for MA benefits on November 6, 2008. On December 16, 2008, the department caseworker sent the claimant a New Hire Employment Notice that was due December 26, 2008. Subsequently, the caseworker did not receive the required verification and the claimant's MA application was denied on December 26, 2008.

During the hearing, the claimant testified that she did not receive the form. She did receive the denial notice dated December 26, 2008 which had the same address as the new hire employment notice. During the hearing, the department caseworker stated that the claimant was working or receiving unemployment compensation for the contested time period. The claimant's unemployment earnings would be an issue if she was applying for MA disability, but the case is not clear what type of MA the claimant had applied for. She may be eligible for Group II Caretaker or LIF or be eligible for a spend-down of another MA program.

This Administrative Law Judge realizes the huge caseload that department caseworkers have had for an extended period of time. In addition, there is no extra time to call a claimant when verifications are not received or even to give extensions when claimants do not call and request an extension. There was no evidence that the claimant was a problem receiving mail. However, the claimant testified that she did not receive the form. Giving the claimant the benefit of the doubt, the claimant will be given another opportunity to fill out the required form and

submit it to the department caseworker. The department caseworker did follow and is in compliance with policy and the claimant did fail to provide the required verification by the due date. However, the claimant testified credibly that she did not receive the form and should be given another opportunity to submit the required verification to determine MA eligibility.

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 deny the claimant's MA application because she did not provide the required verification.

Accordingly, the department's decision is **REVERSED**. The department is ordered to reprocess the claimant's November 6, 2008 application and give the claimant another opportunity to submit the New Hire Employment Notice.

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

Date Signed: December 10, 2009

Date Mailed: December 10, 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.

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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/vmc

cc:

