

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: 2009-15029
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Kenneth Poirier

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 hearing was held on August 19, 2009. The claimant, [REDACTED], was present for the hearing. The Department was represented by [REDACTED], a Family Independence Manager, and [REDACTED], a Department caseworker.

ISSUE

Did the Department properly cancel the claimant's Medicaid for failure to cooperate?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- 1) The claimant is a kidney transplant recipient, and he has been receiving Medicaid since 1995.

- 2) On December 6, 2008, the Department sent to the claimant a request for verification of various factors pertaining to his receipt of assistance under the Medicaid program, with a return due date of December 18, 2008.
- 3) The claimant did not submit the requested materials to the Department by December 18, 2008, but instead submitted information that he believed responded to the Department's request on December 19, 2008.
- 4) On January 16, 2009, the Department issued a Notice of Case Action canceling the claimant's Medicaid coverage, effective January 28, 2009.
- 5) The claimant reapplied for Medicaid on February 18, 2009.
- 6) Based on the claimant's reapplication, the Department reactivated his claim for assistance, effective February 1, 2009.

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).

Claimants must cooperate with the local office in determining initial and ongoing eligibility to include completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. PAM 130, p. 1. Claimants are allowed 10 calendar days (or other time limits specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medicaid purposes, despite a reasonable effort, the time limit

should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* A Medicaid applicant is required to provide evidence of a disability in support of the application. PAM 260.

In the record presented, the claimant offered that he had medical appointments on the December 18, 2008 due date, but he did not present persuasive evidence showing what, if anything, prevented him from responding to the Department's December 6, 2008 request at an earlier time. Given the claimant's failure to provide information needed by the Department to process his Medicaid claim, the Department's cancellation of the claimant's Medicaid was reasonable. Accordingly, the Department's Medicaid cancellation is UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and orders that the Department's cancellation of the claimant's Medicaid is UPHELD.

/s/ _____
Kenneth P. Poirier
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

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.

KP/jlg

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