

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: 2009-15237

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 19, 2009

Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 August 19, 2009. Claimant appeared and testified. [REDACTED], Claimant's wife, was present as an observer. Mariah Schaefer, Assistant Payment Supervisor, appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (MA) due to claimant's 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. Claimant filed an application for Medical Assistance (MA) and Retro MA on October 24, 2008.

2. On December 19, 2008, the Department mailed the claimant a Verification Checklist (DHS-3503C) requesting verification of identity and citizenship.
3. Verification was due on December 29, 2008.
4. On December 26, 2008, a copy of claimant's driver's license was submitted to the Department. However, claimant's birth certification [as proof of citizenship] was not furnished.
5. Claimant had from December 19, 2008 through January 29, 2009 to provide the verification requested.
6. Claimant admitted to being in possession of his birth certificate at the time it was requested by the Department. No reasonable efforts were made by claimant to provide it. Claimant alleged it was his wife's fault, she forgot to mail it.
7. The Department issued an application eligibility notice (DHS-1150) on January 30, 2009 denying claimant's application for MA and Retro MA for failure to provide verification [citizenship].
8. Claimant requested a hearing on February 3, 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 (formerly known as the Family Independence Agency) 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).

An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM, Item 110. The authorized representative assumes all the responsibilities of a client. PAM Item 110. Under PAM, Item 105, clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of necessary forms. Claimants must take actions within their ability to obtain verification. Local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, Page 1. Clients are allowed ten calendar days (or other time limits specified in policy) to provide the requested verification. PAM 130, Page 4. If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. Id. The Department is to send a Negative Action Notice when: 1) the client indicates a refusal to provide verification, or 2) the time period given has lapsed and the client has not made a reasonable effort to provide it. Only adequate notice is required for application denial. PAM, Item 130.

In the present case, the Department needed verification from claimant to establish his eligibility under the Medical Assistance program. The Department mailed the claimant's verification checklist (DHS-3503C) on December 19, 2008. Claimant acknowledged receiving the checklist requesting proof of identity and citizenship. Only claimant's driver's license was furnished to the Department [as proof of identity] on December 26, 2008. Claimant's birth certificate, which he confirmed to having in his possession, was not submitted even though sufficient time was provided to furnish this verification. Claimant did not make a reasonable effort to comply with the Department's request. The record establishes claimant's failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted appropriately in denying claimant's MA and Retro MA due to claimant's failure to cooperate. The Department's denial of claimant's Medical Assistance (MA) application of October 24, 2008 is AFFIRMED.

/s/

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Lisa D. Dahlquist  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 20, 2009

Date Mailed: September 2, 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.

LDD/law

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