

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: 2009-15960
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 20, 2009
Oakland County DHS (3)

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 Walled Lake, Michigan on August 20, 2009. The representative for the claimant, [REDACTED], participated through the authorized representative [REDACTED] and an observer, [REDACTED]. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's request for Medicaid?

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 25, 2008, the claimant applied for medical assistance and retroactive medial assistance.

- (2) On December 8, 2008, a checklist was mailed with a due date of December 18, 2008.
- (3) On December 17, 2008, the authorized representative asked for an extension which was granted through December 28, 2008.
- (4) On December 19, 2008, the authorized representative informed the Department the claimant was out of the country since October 31, 2008 and was unable to secure the various requests for information such as assets and income and residency.
- (5) On December 22, 2008, the claimant's claim was denied for inadequate verification of income, assets and residency.
- (6) On January 20, 2009, the authorized representative requested a hearing as it believed the claimant was a resident during August of 2008 and September of 2008 and the matter should be submitted to the Medical Review Team.

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.

The claimant, nor the authorized representative, did not have the necessary forms completed and verified by the bank or any employer as it related to income or assets.

Further, the authorized representative of the claimant was unable to verify residency.

Under this scenario, the Department has established that it acted in accordance with Department policy when it denied the claimant's application for insufficient verification of assets, income, or residency. 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: 09/09/09

Date Mailed: 09/09/09

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 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:

