

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: 2009-15973

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 19, 2009

Van Buren 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 was represented by [REDACTED]

[REDACTED] Paula Pool, Family Independence Specialist, appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA)?

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 MA and SDA on June 24, 2008.
2. On July 29, 2008, the Department provided claimant with a verification checklist (DHS-3503) requesting proof of citizenship and his Social Security SSI and RSDI records.
3. Verification was due on August 8, 2009.
4. Claimant, via his authorized representative, [REDACTED] then filed a “second” MA and SDA application on August 28, 2008.
5. On October 2, 2008, the Department provided claimant and claimant’s authorized representative with verification checklist (DHS-3503) requesting proof of citizenship and Social Security SSI and RSDI records.
6. Verification was due on October 12, 2008.
7. On October 10, 2008, claimant’s authorized representative requested to extend the verification due date to October 22, 2008.
8. On October 23, 2008, a “second” request was submitted by claimant’s authorized representative to extend the verification due date to November 3, 2008 due to difficulty in promptly obtaining claimant’s out-of-state (Texas) birth certificate.
9. On October 24, 2008, the Department issued an application of eligibility notice (DHS-1150) for failure to provide verification. The Department representative cited policy, PAM 130, Page 4 [April 1, 2008] did not allow the Department to grant a “second” extension.
10. Claimant’s authorized representative submitted a request for hearing on January 22, 2009.

11. Contrary to the Department representative's testimony, PAM 130, Page 4 [effective June 1, 2008] permits extending the verification due date up to three times (if the claimant could not provide the verification despite a reasonable effort).
12. Following this brief policy discussion, the Department agreed to reinstate and reprocess claimant's MA and SDA application of June 24, 2008, upon receipt of claimant's birth certificate. Claimant's authorized representative agreed to promptly furnish the Department with a copy of claimant's birth certificate that he has in his possession.
13. As a result of this agreement, claimant's authorized hearing representative no longer wished to proceed with the hearing.
14. A copy of claimant's birth certificate (Exhibit #1) was faxed to the Administrative Law Judge [and to the Department] on August 19, 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).

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA Program pursuant to MCL 400.10, et seq. and MAC R 400.3151-400.3180. Department policies are found in the Program

Administrative Manual (PAM). The Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues to the date of the hearing.

In the present case, claimant, via his authorized hearing representative, is contesting the denial of his MA and SDA application (for failure to provide verification). The Department refused to grant claimant's authorized representative a "second" extension of the verification due date even though a reasonable effort was being made to acquire claimant's out-of-state birth certificate from the State of Texas. Departmental policy PAM 130, Page 4 [effective June 1, 2008] permits an extension of the verification due date up to three times. In consideration of this policy change, the Department agreed to reinstate and reprocess claimant's application for MA and SDA filed on June 24, 2008 upon claimant's authorized hearing representative providing claimant's birth certificate. Claimant's authorized hearing representative was in agreement with the proposed actions to be taken by the parties and no longer wished to proceed with the hearing. A copy of claimant's birth certificate was faxed to the Administrative Law Judge and the Department representative on August 19, 2009 (Exhibit #1). As a result, it is unnecessary for the Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the parties have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the Department reinstate and reprocess claimant's MA and SDA application of June 24, 2008 in accordance with this Settlement Agreement.

/s/ _____
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

cc:

