

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: 2009-16682

Issue No: 2006, 4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 11, 2009

Mackinac County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 November 11, 2009. Claimant was present and testified. Elsie McDonald, ES, and Jennifer Vieau, ES, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (department) properly deny claimant's Medical Assistance (MA) and State Disability Assistance (SDA) application?

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 applied for MA and SDA on September 18, 2008.

(2) The department gathered medical records which were sent to the Medical Review Team (MRT) for an evaluation on November 20, 2008.

(3) On November 24, 2009, the MRT issued a deferral requesting additional medical records, an Internist Examination, and a Mental Status Examination. (Department Exhibit 1, pg. 28)

(4) On January 7, 2009, the department issued a Medical Appointment Notice for claimant to attend a Mental Status Examination in Gaylord MI on January 12, 2009, indicating she should call for directions. (Department Exhibit 1, pg. 20)

(5) On January 7, 2009, the department also called claimant and left a message regarding the appointment date and time, to call for directions or to re-schedule the appointment if needed. (Department Exhibit 1, pg. 23)

(6) On January 8, 2009, the department called claimant and left a message for her to attend an Internist Examination on January 30, 2009. (Department Exhibit 1, pg. 30)

(7) On January 9, 2009, the department issued a Medical Appointment Notice for claimant to attend an Internist Examination on January 30, 2009 [REDACTED] and attached a map with directions. (Department Exhibit 1, pgs. 33-34)

(8) Claimant did not attend the January 12, 2009 Mental Status Examination.

(9) Claimant testified that she was unable to attend the Mental Status Examination because she had been in the hospital.

(10) On January 23, 2009, claimant contacted the department requesting that the Mental Status Examination be rescheduled, indicating she just returned home and received her mail about the medical appointments. (Department Exhibit 1, pg. 37)

(11) The department returned claimant's call on January 23, 2009 advising her to try to re-schedule the exam with the doctor's office for January 30, 2009. (Department Exhibit 1 pg. 37)

(12) On January 30, 2009, the doctor would not see claimant for the Mental Status Examination because she was 2 hours late as she thought this exam was at the same location as the Internist Examination. (Department Exhibit 1, pg. 46)

(13) Claimant did attend the Internist Examination on January 30, 2009.

(14) On February 2, 2009, the department denied the MA and SDA application for not meeting non-financial eligibility criteria. (Department Exhibit 1, pg. 48)

(15) Claimant filed a hearing request to contest the MA and SDA determinations on February 6, 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 Manuals.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) 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 Manuals.

Under PAM 105, clients must cooperate with the local office in determining initial and ongoing eligibility. Under PEM 260, the claimant had a responsibility to cooperate and attend the scheduled examinations:

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer 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 [PAM 825](#) for details.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance. PEM 260 pg. 4.

In the present case, the MRT issued a deferral for additional medical information and two consultative examinations because additional medical evidence was needed to make a disability determination. Notices of the appointments were mailed to claimant. Claimant testified she missed the Mental Status Examination originally scheduled for January 12, 2009 because she was in the hospital. However, at the hearing claimant was unable to recall what hospital she was admitted to in January 2009 or what dates she was hospitalized. The record was left open for claimant to provide any documentation she had at home of the January 2009 hospitalization and the department was also ordered to assist claimant by requesting records from any hospital claimant indicated she may have been admitted to in January 2009.

Claimant did not submit any documentation of a January 2009 hospitalization. The department requested January 2009 records from [REDACTED] (Department

Exhibits 2 and 3) The department did not receive any response [REDACTED] by November 24, 2009. (Department Exhibit 3, pg. 1) The records provided by [REDACTED] only showed treatment in the months from March 2009 through September 2009. (Department Exhibit 2) The records provided by [REDACTED] were for treatment in March 2009. (Department Exhibit 3) No records have been submitted documenting claimant was hospitalized in January 2009.

Claimant also testified that when the Mental Status Examination was re-scheduled for January 30, 2009, she was told it was at the same location as the Internist Examination. While the department sent only one map with directions, it was attached to the January 30, 2009 notice for the Internist Examination. (Department Exhibit 1, pgs. 32-33) The original appointment notice issued by the department for the January 12, 2009 Mental Status Examination indicated claimant should call for directions. (Department Exhibit 1, pg. 20) Claimant did call this doctor's office when she re-scheduled the appointment for January 30, 2009 and should have confirmed the location of their office during the call.

Based upon the foregoing facts and relevant law, it is found that the department followed applicable policy in denying the application when claimant failed to attend the Mental Status Examination requested by the MRT to determine disability. Claimant has not provided any evidence of a January 2009 hospitalization that caused her to miss the January 12, 2009 appointment. Claimant also missed the rescheduled Mental Status Examination on January 30, 2009 because she arrived two hours late by which time the doctor refused to see her.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department followed applicable policy in denying the application when claimant failed to attend the Mental Status Examination requested by the MRT.

Accordingly, the department's SDA and MA determinations are AFFIRMED.

Colleen Lack

Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 7, 2009

Date Mailed: December 7, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

CL/cv

cc:

