

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: 2009-17698  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 23, 2009  
Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 three-way telephone hearing was held on June 23, 2009, in Gladwin and Lansing. Claimant did not appear at the hearing. Claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Valerie Boka (ES).

[REDACTED] appeared by telephone from Lansing. The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny the incomplete application filed by [REDACTED] because [REDACTED] did not complete the application by January 18, 2009, as requested by the department?

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, [REDACTED], on behalf of claimant, submitted a filing form for the purpose of preserving MA-P eligibility for August 2008.

(2) Subsequently, [REDACTED] provided an authorization to represent form for claimant.

(3) On January 8, 2009, the caseworker sent claimant a Pending Application Notice (DHS-330) which states in pertinent part:

You applied for assistance on November 25, 2008.

\* \* \*

(2) The application must be completed before we can determine your eligibility for assistance. **This form must be completed before January 18, 2009, or your application for assistance may be denied.**

(4) On January 8, 2009, the caseworker sent [REDACTED] a letter which reads in pertinent part:

\* \* \*

[REDACTED] I have received the Authorization to Represent for [REDACTED]. Please complete an 1171 Assistance Application and return it along with the requested verification on the following pages to me at [REDACTED], [REDACTED]. Upon receipt and review of the application, I will contact you to let you know if any other verifications are required. I am also mailing an application and an original copy of the Verification Checklist to you at [REDACTED].

\* \* \*

(5) On January 8, 2008, the caseworker **faxed** a copy of the DHS-330 to [REDACTED] along with other relevant documents (Exhibits A-1, pages 97-103).

(6) On January 8, 2009, the caseworker **mailed** copies of the DHS-330 to [REDACTED] along with other relevant documents (Exhibit A-1, pages 97-103).

(7) The DHS-330 clearly states that a completed application must be provided by January 18, 2009, or the application will be denied.

(8) On January 16, 2009, [REDACTED] requested an extension (to January 28, 2009) to provide **verifications**. The [REDACTED] letter states in pertinent part:

Subject: Checklist due on January 18, 2009.

Attached are the medical records from [REDACTED] [REDACTED] for [REDACTED] [REDACTED] admission and medical records from [REDACTED] and [REDACTED]. I am waiting for copies of [REDACTED] identification, birth certificate and death certificate. Please note that [REDACTED] has no income or assets to verify. I will forward the remaining information to you as soon as it is received.

The purpose of this Facsimile is to request a **checklist extension** for the above client. **In an effort to save you the time of a return phone call, I would like to suggest that we use 1/28/2009 as the new due date.** If this date does not work for you, please call me. If you are unable to grant an extension despite your efforts to obtain the needed verifications, I am requesting that you assist us or use the best available information to make a determination.

\* \* \*

(9) The caseworker did not grant the [REDACTED] request for a “checklist extension.” [REDACTED] did not call the caseworker to confirm the status of the [REDACTED] request for a “checklist extension.”

(10) [REDACTED] did not submit a completed application by the January 18 due date.

(11) On January 21, 2009, [REDACTED] filed a completed application.

(12) On January 22, 2009, the caseworker denied claimant’s application because [REDACTED] did not provide a completed application by the January 18, 2009 deadline.

(13) [REDACTED] thinks that it has an absolute right to an extension for the purpose of complying with the DHS-330 due date.

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).

Current department policy requires applicants to cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms and appearing for a face-to-face meeting with the caseworker when requested. PAM 105. Cooperation also includes the requirement that clients provide a completed application, verification of household composition, household income, household assets and evidence of disability, when requested. PAM 210, 212 and 220.

MA benefits can only be awarded when claimant provides a completed application, with current medical evidence (authenticated by a physician) that she meets the PEM 260 disability requirements.

In this case, the crux of the dispute is the interpretation of department policy. ■■■■ thinks it was entitled to an automatic extension for purposes of completing the November 25, 2008 filing application. The department thinks it had authority under policy to set a deadline for completion of the application and it was not mandated to give ■■■■ a “checklist extension” until January 28, 2009.

At the outset, it must be remembered that in order for ■■■■ to prevail in this matter, ■■■■ has the **burden of proof** to show that the department violated its policy.

██████ relies on policy in PAM 130 under **Verification and Collateral Contacts**.

The applicable policy reads in pertinent part:

Effective June 1, 2008 **MA Only**

Allow the client ten calendar days (or other timely limit specified in policy) to provide the verification you request. If the client can provide the verification, despite a reasonable effort, extend the time limit up to three times. PAM 130.

\* \* \*

The department relies on the policy in PAM 110 under the heading, **Application Filing and Registration**. This policy reads in pertinent part:

\* \* \*

The application form must be signed by the client or the individual acting as his authorized representative.

When an Assistance Application is received in the local office without the applicant's signature or without a signed document authorizing someone to act on the applicant's behalf, you must do the following:

\* \* \*

Send the DHS-330, Notice of Missing Information, to the client explaining the need for a valid signature. The signature page of the application may be copied and sent to the agency or the individual who filled out the application with the notice.

Allow ten days for a response. **You cannot deny an application due to incompleteness until ten calendar days from the date of your initial request in writing to the applicant to complete the application for or supply missing information or the initial scheduled interview.** PAM 110.

\* \* \*

The caseworker notified ██████ by providing a faxed copy of her request (DHS-330) along with a mailed copy of her request on January 8, 2009. The caseworker gave ██████ ten days, until January 18, 2009, to complete the application, which was initially filed on November 25, 2008.

It is the responsibility of the caseworker to move request for benefits along in a timely fashion and not to allow them to be held in abeyance indefinitely. The caseworker must process an MA-P application in compliance with the 45-day standard of promptness.

The preponderance of the evidence in the record shows that the key document (a completed DHS-1171) was not provided within ten days of the Pending Application Notice, which was mailed on January 8, 2009. [REDACTED] had 54 days to complete the application, but failed to do so.

[REDACTED] thinks it is entitled to have an extension to January 28, to complete the verifications requested on the DHS-3503. However, the issue here is not about **verifications**; it is about the completion of an **incomplete application**. The department's policy for completing an incomplete application is covered in PAM 110. The policy which [REDACTED] relies on (PAM 130) applies to the timeliness of verifications not to the completion of an incomplete application.

A careful review of the record reveals no evidence of **arbitrary or capricious** action by the department in the processing of claimant's MA-P application and in denying the claimant's request for an extension to January 28, 2009. The department is, by policy, required to send a DHS-330, Notice of Missing Information to the client explaining the requirement for a complete application to be submitted, in a timely fashion.

The department is required to allow ten days for a response to the DHS-330 Notice of Missing Information. The department gave [REDACTED] ten days, up to January 18, to complete the application. However, [REDACTED], without establishing good cause, failed to comply with PAM 110 and the information provided on the DHS-330, dated January 8, 2009. **The department followed the letter in the spirit of PAM 110 and is not required to give an automatic extension under that policy.**

Given the entire record in this matter, [REDACTED] has failed to meet its burden to establish good cause for having an additional “checklist extension” to provide a valid application. On the date of denial, [REDACTED] application had languished at the local office for 54 days. It is also relevant to remember that the caseworker had a 45-day standard of promptness for processing the November 25, 2008 application.

In short, the Administrative Law Judge concludes, after a careful review of all the evidence in the record, the caseworker correctly followed policy in PAM 110, page 8, under the heading Application Filing and Registration. This policy requires a caseworker, upon the receipt of an incomplete application (filing form), to notify the person filing the application that additional action must be taken in order for the application to be registered and processed. As provided in PAM 110, page 8, the caseworker allowed ten days (January 8 through January 18), for [REDACTED] to complete the Filing Form submitted by [REDACTED] in November of 2008.

Therefore, the denial action taken by the department is correct.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly followed the policy for application filing and registration in PAM 110 and correctly denied claimant's application due to [REDACTED] failure to provide a completed application, as requested, by January 18, 2009.

Accordingly, the action taken by the department is, hereby, **AFFIRMED**.

SO ORDERED.

/s/ \_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 29, 2009

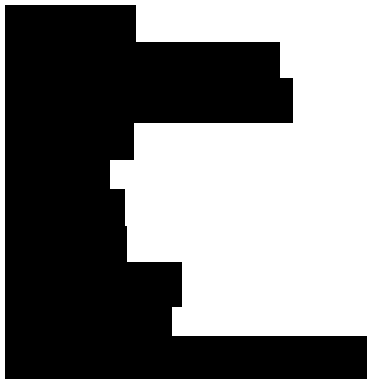
Date Mailed: June 30, 2009

**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.

JWS/tg

cc:

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