

**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: 2009-17971

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 20, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Susan Payne Woodrow

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 20, 2009. Present were [REDACTED], Claimant, Don Baibak, Family Independence Manager, Sheila Cobb, Eligibility Analyst. All three witnesses were sworn.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. In October 2008, [REDACTED] applied for Medical Assistance (MA).

2. In her October 2008 application, she listed the address of her mother, [REDACTED]
[REDACTED]
3. In December 2008, she reapplied for Medical Assistance. During December 2008, she stayed at the Free Lodge for two to three days located at [REDACTED]
[REDACTED]
4. She returned to her mother's home on [REDACTED] in January 2009.
5. On January 6, 2009, the Department created a verification checklist using the computer address of [REDACTED]
[REDACTED]
6. Since [REDACTED] had indicated that she had stayed temporarily at the Free Lodge, the worker diverted the verification checklist and sent it to the Free Lodge, rather than [REDACTED] mother's house on [REDACTED]
7. When the DHS-3503 verification checklist information was not received, being due on January 16, 2009, a denial was sent to her on an Application Eligibility Notice dated and sent on January 22, 2009 to the Free Lodge, not to [REDACTED] mother's home.
8. On January 23, 2009, the Post Office returned the application eligibility notice to the Department indicating that the address was not good at the Free Lodge.
9. [REDACTED] contacted the Department to file a change of address from her [REDACTED]
[REDACTED] to the new one at [REDACTED]
[REDACTED]
10. [REDACTED] then received the application eligibility notice at her new address on [REDACTED] because she had filed the change of address with the Department.

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).

Under PAM, Item 105, customers must cooperate with the local office in determining initial and ongoing eligibility. This includes completing necessary forms. Customers must take actions within their ability to obtain verification. The local office must assist customers who ask for help in completing forms or gathering verification. Particular sensitivity must be shown to customers who are illiterate, disabled, or not fluid in English. The agency must allow the client 10 calendar days (or other time limit specified in policy) to provide verification requested. If the client cannot provide the verification despite a reasonable effort, the agency must extend the time limit at least once. The agency is to send a negative action notice when (a) the client indicates a refusal to provide a verification, or (2) the time period given has elapsed and the client has not made a reasonable effort to provide it. Only adequate notice is required for application denial. PAM, Item 130.

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.

This Administrative Law Judge cannot find that the claimant failed to cooperate in providing verification needed to determine eligibility. It appears that the Department worker, in an attempt to be more thorough, sent the verification checklist to the temporary living quarters of the claimant, the Free Lodge, rather than the address that was listed on the computer. Therefore, there is doubt as to whether or not the claimant ever received the request for the information. A claimant cannot comply with a verification checklist not received. The presence in the file of a DHS window envelope with a notation of a January 23, 2009 return to sender, addressee unknown, supports the claimant's statement that she did not receive documents at the Free Lodge. After she filed a change of address in February 2009, a copy of the application eligibility notice was sent to her and received on February 21, 2009. She completed it immediately and sent it back with the department receiving it within a few days. The department erred in denying claimant's application for MA based upon failure to cooperate. The Department has not properly processed this claim because of the incorrect address. The denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied claimant's application for MA. IT IS ORDERED that the department reinstate the October application and reprocess it. Department has not properly processed claimant's application by using a temporary shelter housing address, rather than the computer

address for the claimant. The Department is directed to process the claimant's application filed on December 22, 2008 using that date as the effective date.

/s/

Susan Payne Woodrow
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 9, 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.

SPW/law

cc:

