

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: 2009-18384
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 12, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 January 12, 2010. Claimant was represented by [REDACTED]

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility 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) September 9, 2008, the department received claimant's application for MA.
- (2) September 22, 2008, the department sent claimant and representative a Verification Checklist (DHS-3503, 3503-C) indicating required proofs and setting a due date of October 2, 2008. Department Exhibit A, pgs 1-2.

(3) October 3, 2008, the department sent written notice that the application was denied to claimant and representative. Required proofs have not been received.

(4) It was discovered that one day prior to the denial, claimant's representative had requested an extension of the deadline. The department re-registered the application and granted the deadline extension.

(5) December 6, 2008, the department sent claimant and claimant's representative written notice that the application was again denied due to failure to receive all required proofs.

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).

Department manuals provide the following statements and instructions for caseworkers: Allow the client ten calendar days or other time limits specified in policy to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times for MA. Verifications are considered to be timely if received by the date they are due. Bridges Administrative Manual (BAM 130; 42 CFR 435.912(a); 42 CFR 435.916(b); MCL 400.37; Public Law 109.171.

In this case, the department properly notified claimant and representative of required proofs. An extension was requested and granted. Required proofs were not received by the extended deadline and the department denied the application. At hearing, claimant's

representative indicated that the claimant told the representative that the required proofs were turned in prior to the deadline. The department disagreed, testifying that the proofs were not received until February 2009. They were not received prior to December 2008 deadline. The department has since processed an approved application for claimant after receiving the required proofs. Accordingly, the department has met its burden of proof that required proofs were not provided by the extended deadline and the application was properly denied on December 6, 2008. Finding of Fact 1-5.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is, hereby, UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2010

Date Mailed: April 20, 2010

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.

2009-18384/jab

JAB/db

cc:

