

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.: 2009-20453

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

August 27, 2009

Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Kenneth P. Poirier

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 hearing was held on August 27, 2009. The claimant, [REDACTED], is deceased and was represented at the hearing by [REDACTED] of [REDACTED]. The Department was represented by [REDACTED], a Family Independence Manager.

ISSUE

Did the Department properly deny the claimant's Medicaid application for failure to cooperate?

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 August 29, 2008, the claimant's representative filed an application on his behalf for Medical Assistance.

- 2) The Department sent to the claimant's representative two requests for verification of personal information, one on November 6, 2008, and a second on November 12, 2008, with a return due date of November 24, 2008 for the second request.
- 3) The claimant's representative requested three extensions of the deadline for submission of the verification information, the first on November 24, 2008, the second on December 4, 2008, and the third on December 12, 2008.
- 4) The Department did not receive a life insurance form that it had requested concerning the claimant, so on December 18, 2008, the Department denied the claimant's application, six days after the third extension was requested.

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).

Claimants must cooperate with the local office in determining initial and ongoing eligibility to include completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements. PAM 130, p. 1. Claimants are allowed 10 calendar days (or other time limits specified in policy) to provide the requested verifications. PAM 130, p. 4. If the claimant cannot provide the verification for Medicaid purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.*

The persuasive evidence of record showed that the claimant's representative asked for three extensions, as permitted according to policy noted above. There was no persuasive evidence offered at the hearing to show that the Department was justified in denying the claimant's application before the expiration of the final extension.

Since the claimant's representatives did not have the opportunity to take full advantage of the final extension before the Department issued its denial of the claimant's application, it cannot be concluded that the claimant failed to cooperate in providing a requested verification. Accordingly, the Department's Medicaid denial is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the claimant's Medicaid application is not upheld.

Accordingly, it is ORDERED:

1. The Department's denial of the Medicaid application is REVERSED.
2. The Department shall re-open and process the claimant's August 29, 2008 Medicaid application in accordance with Department policy.
3. The Department shall supplement the claimant for any lost benefits he was otherwise eligible and qualified to receive in accordance with Department policy.

/s/
Kenneth P. Poirier
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/01/09

Date Mailed: 09/01/09

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.

KP/jlg

cc:

