

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: 2009-20496

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 26, 2009

Gratiot 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 26, 2009. Present were: [REDACTED]

[REDACTED] and Lee Hale, Family Independence Agency Manager for Gratiot County. Both parties were sworn.

ISSUE

Whether the Department properly denied the 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. On October 29, 2008, [REDACTED] filed an application for MA-P, Medical Disability and Retroactive Medical for July and August 2008.
2. A verification checklist was sent on November 7, 2008 with a return due date of November 17, 2008 (see Exhibit 30).
3. As a result of a request from [REDACTED], the due date was extended to November 27, 2008 (see Exhibit 30 and confirming email Exhibit 41).
4. A second extension was requested by [REDACTED] on November 25 to December 7, 2008 (see Exhibit 42). The request was granted.
5. A third request for extension was granted to January 17, 2009 (see Exhibit 60).
6. On January 20, 2009, the documents had not been returned and a fourth extension was denied pursuant to a phone call (see Exhibit 76).
7. On January 20, 2009, the claim was denied (see Exhibit 77).

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility, including the completion of the necessary forms. PAM 105, p. 5. Claimants

must take action within their ability to obtain verification. The local office must assist clients who ask for help in completing forms or gathering verification. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130, p. 1. Clients are allowed ten (10) calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification, despite a reasonable effort, the time limit should be extended up to three times. *Id.*

The Agent for the claimant was given several extensions consistent with PEM 260. There was no way that any medical disability could be determined without appropriate medical records. The income, assets and medical records were not provided in a timely manner. This ALJ finds that the claimant failed to cooperate in providing requested verifications

The Department properly denied the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision denying the application is UPHELD.

/s/

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

Date Signed: September 3, 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:

