

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: 2009-22568

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 6, 2009

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 6, 2009. The claimant did not appear, but her authorized representative Rodney Turner, from Independent Medical Networks (IMN), did appear and provide testimony.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) and Retro MA application for failure to return the required verification materials in March, 2009?

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 February 24, 2009, Mr. Turner, the authorized representative for the claimant, applied for MA and retro MA for the claimant. (Department Exhibit 1).

2. On February 26, 2009, a Verification Checklist (DHS-3503) was mailed to the claimant, requiring a legible copy of the claimant's ID, bank statements and proof of child care expenses. These documents were due by March 6, 2009. The Verification Checklist indicates on the bottom that it was carbon copied to IMN. (Department Exhibit 3)

3. No documents were received in response to the Verification Checklist and on March 26, 2009, the department mailed an Application Eligibility Notice (DHS-1150) to the claimant informing her that her application was denied for failure to return the verifications. The bottom of the form again indicates that IMN was carbon copied. (Department Exhibit 2)

4. The claimant's representative submitted a hearing request on March 31, 2009.

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 policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

AUTHORIZED REPRESENTATIVES

All Programs

An **Authorized Representative** (AR) is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf (e.g., to obtain FAP benefits for the group.) An AR is not the same as an Authorized Hearing Representative (AHR) PAM, Item 110, p. 6.

The AR assumes all the responsibilities of a client. See PAM 105, PEM, Item 110, p. 7.

Responsibility to Cooperate

All Programs

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

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. PAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the

DHS-1175, MA Determination Notice, to request verification. PAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. PAM, Item 130, p. 2.

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. PAM, Item 130, p. 4.

MA Only

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed. PAM, Item 130, p. 4.

In this case, Mr. Turner is the authorized representative for the claimant. The claimant was mailed a Verification Checklist (DHS-3503) on February 26, 2009, requesting a legible copy of the claimant's ID, bank statements and proof of child care expenses. Mr. Turner testified that he did not receive the Verification Checklist form.

The department representative testified that if a client has an authorized representative, the representative is carbon copied and this is noted on the bottom of the form. The Verification Checklist does have a notation on the bottom of the form that it was carbon copied to IMN. The department representative testified that the Verification Checklist would have been copied and placed in an envelope to IMN, attention Mr. Turner.

There is also a notation on the bottom of the Application Eligibility Notice (DHS-1150) that indicates IMN was carbon copied. Mr. Turner testified that he did receive the copy of the Application Eligibility Notice.

Thus, it appears that the department carefully notated that IMN was carbon copied on each document. The department representative testified credibly that IMN was mailed a copy of both the Verification Checklist and the Application Eligibility Notice. This Administrative Law Judge is unable to find that the department failed to provide the documents to the authorized representative.

Department policy indicates that the authorized representative assumes all the duties and responsibilities of the client. PAM 105, PEM 110. In this case, the authorized representative was required to return the verifications or request an extension. Neither of these occurred. Therefore, the department acted in accordance with policy when they denied the application. PAM 130.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's MA and retro MA application in March, 2009 because the required verifications were not returned to the department.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 23, 2010

Date Mailed: March 2, 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 mailing 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.

SLK [REDACTED]

cc: [REDACTED]