

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: 2009-22718

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 27, 2009

Montcalm 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 27, 2009. Present were: [REDACTED] Claimant, [REDACTED], Claimant's Adult Foster Care Provider, Richard Stilson, Family Independence Agency Manager. All witnesses 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. [REDACTED] has a Schizophrenia disorder and seizures.
2. [REDACTED] was in a mental hospital during December 2008 and January 2009.

3. On January 29, 2009, an application was sent to [REDACTED] at her current foster care facility to review her eligibility for medical disability assistance.
4. On January 30, 2009, a verification checklist was sent with a return date of February 17, 2009.
5. [REDACTED] prior Adult Foster Care Provider, [REDACTED] called the [REDACTED] Funeral Home where [REDACTED] has a pre-paid burial plan in process and requested that [REDACTED] fax a copy of the pre-paid burial contract to the Department.
6. [REDACTED] current Adult Foster Care Provider, [REDACTED] contacted [REDACTED] on the due date, February 17, 2009. They indicated that they had faxed the document.
7. The Department did not send any information or new verification checklist to [REDACTED] requesting further information.
8. On an unknown date, the request for assistance was denied based upon the failure to provide the prepaid funeral contract.
9. On March 4, 2009, [REDACTED] had a second copy of the contract faxed by [REDACTED] Corporation to the Department.
10. After the March 4, 2009 communication, there was no contact by the Department with [REDACTED] or her caretaker.
11. On April 1, 2009, [REDACTED] filed an appeal 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).

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.*

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. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the date of the hearing. The Department provides an Administrative Hearing to review the Department decision and determine if it is appropriate.

The denial of the application is cursory and is not dated. The failure to date such an important document indicates that the Specialist may not have spent much time on this matter and may not have actually reviewed either of the contracts that were faxed to the Department. Further, the March 4, 2009 was a request for assistance and clarification of what needed to be provided. Claimant has a mental disorder and

seizures and needs special assistance which was not given. The department's denial is undated, Only 14 days elapsed between the verification return date for the contract and the letter sent by claimant's agent requesting assistance. It can be assumed that the claimant's representative contacted the department before closure. Within 14 days the agent also supplied a second copy of the contract. It is the agency's error failing to date the denial. Thus, any time limits will be construed against them in this matter because of the quickness of claimant's response. The agency should have granted an extension.

There was no documentation to show that the Department indicated to the claimant the deficiency in the paperwork provided. Further, there is no indication that either the claimant or her caretaker were told what they needed and given any definitions in order to comply. I find that the claimant and her caretaker reasonably complied as fully as possible based upon the request they received. The Agency did not supply a copy of the verification checklist to indicate the sufficiency of the request or whether nor not it was in writing, but claimant still attempted to comply.

The denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant complied as much as possible based on the request received. The denial is REVERSED.

The Department is instructed to process the application from the original date of receipt.

/s/

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

Date Signed: September 17, 2009

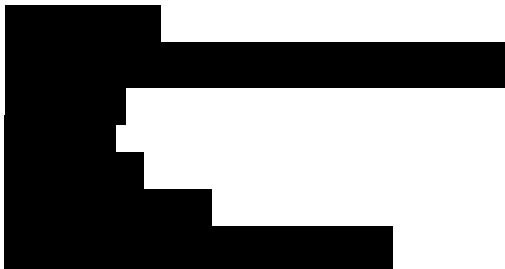
Date Mailed: September 22, 2009

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

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