

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████  
Claimant,

Reg No: 2009-23683  
Issue No: 2006  
Case No: ██████████  
Load No: ██████████  
Hearing Date:  
September 23, 2009  
Clinton County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 conducted on September 23, 2009. The Claimant appeared and testified. Claimant was represented by ██████████, daughter and DPOA. Angela Priest, FIS, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's Medical Assistance (MA) benefits.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Applications for several benefit programs were filed at the Eaton County DHS office listing [REDACTED] as claimant's DPOA between July 2008 and October 2008.

2. On August 8, 2008 the Eaton County DHS issued a Verification Checklist requesting medical documentation with a due date of August 19, 2008. (Department Exhibit 2, pg. 2)

3. A September 5, 2009 DHS-38 Verification of Employment form was received by the department, however, it was not signed by the employer.

4. On October 30, 2008, an application for MA benefits requesting retroactive coverage to July 2008 was filed on Claimant's behalf at the Eaton County DHS office by an authorized Representative, [REDACTED] (Department Exhibit 1, pgs. 1-18)

5. On December 1, 2008, the pending October 30, 2008 MA application was transferred to the Clinton County DHS office.

6. On December 4, 2008, the Clinton County Department office issued a Verification Checklist to claimant and to [REDACTED], the Authorized Representative, requesting additional information, including a DHS-38 Verification of Employment form, with a due date of December 15, 2008. (Department Exhibit 1, pg. 19)

7. On February 5, 2009, the Department denied the MA application for failure to provide verifications. (Department Exhibit 1, pg. 22)

8. On February 17, 2009, the employer faxed the requested DHS-38 Verification of Employment, still unsigned but with attached pay stubs to the Department. (Department Exhibit 1, pgs. 25-35)

9. Claimant requested a hearing on April 7, 2009 to contest the denial of the MA benefits.

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).

Clients must cooperate with the local office in determining initial and ongoing eligibility including completion of necessary forms. PAM 105. Under PAM 130, the department is to allow clients a full 10 calendar days from the date the verification is requested to provide the documents and information. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130. Additionally, if neither the claimant nor the department can obtain the verification despite a reasonable effort, the department is to use the best available information or if no information is available, use best judgment. PAM 130.

In the present case, claimant's representative testified that she made multiple applications for several benefits programs, including MA, on claimant's behalf as the DPOA at the Eaton County DHS office between July 2008 and October 2008. The department representative present at the hearing was only able to find evidence of a July 10, 2008 FAP application and an August 19, 2008 cash assistance application. However, claimant's representative provided a copy of an August 8, 2008 Verification Checklist

requesting medical documentation that would be consistent with a MA application.

(Department Exhibit 2, pg. 2)

The department representative testified that claimant's file does include a September 5, 2008 DHS 38-Verificaion of Employment, however it was not signed by the employer. Claimant's representative testified that before claimant's case was transferred between the county DHS offices, the Eaton County DHS office had documentation that she was claimant's DPOA and were working with her in obtaining needed verifications. This ALJ finds it entirely possible that not all of Claimant's information was included in the transfer between the Eaton and Clinton County DHS offices in December 2008. As a result, the Clinton County DHS office was not aware claimant had a DPOA and the December 4, 2008 checklist requesting another DHS 38-Verificaion of Employment form was only issued to claimant and [REDACTED] (Department Exhibit 1, pg. 19)

The record does contain documentation that in response to the December 4, 2008, claimant tried to obtain the requested verification by faxing the needed form to the employer's human resources department on December 11, 2008. (Department Exhibit 1, pg. 30) However, the employer did not timely respond to the request. The employer did not fax the needed information to the department until February 17, 2009. It is noted that while the employer again failed to sign the form, this time pay stubs were also attached.

Based upon the foregoing facts and relevant law, it is found that the department improperly denied the MA application for failure to provide verification. Claimant was making reasonable efforts to obtain the needed employment verification. Claimant's employer failed to sign the requested form and did not respond to claimant's December 2008 request in a timely manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly denied the claimant's MA application for failure to provide verifications.

Accordingly, the Department's MA eligibility determination is REVERSED. Therefore it is ORDERED that the department reinstate claimant's October 30, 2008 MA application and determine eligibility retroactive to July 2008 in accordance with this Decision.

\_\_\_\_\_/s/\_\_\_\_\_  
Colleen Lack  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 30, 2009

Date Mailed: September 30, 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 60 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.

CL/cv

cc:

