

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: 2009-23878

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 25, 2009

Branch County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's representative's request for a hearing. After due notice, a three-way telephone conference hearing was held with the department, the Administrative Law Judge, and [REDACTED] representing claimant. Claimant did not appear per [REDACTED] instructions. Claimant was represented at the administrative hearing by [REDACTED]

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's 12/26/08 Medical Assistance application on the grounds that claimant failed to comply with the verification request?

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 12/26/08, [REDACTED] applied for MA-P on behalf of claimant.
- (2) On 12/30/08, the DHS issued a Verification Checklist (3503-C) requesting ID and proof of citizenship. The verifications were due on 1/10/2009.
- (3) Claimant's representative requested an extension and the department granted the same extending the due date to 1/19/2009.
- (4) On 1/17/2009, [REDACTED] requested another extension with a due date of 1/29/09, granted by the department.
- (5) [REDACTED] requested a third extension to 2/18/09. Instead, on 2/10/09 the department denied the application for the following reason: "Failed to return required verifications."
- (6) [REDACTED] was waiting for identification and a birth certificate pursuant to correspondence issued to the department on January 28, 2009.
- (7) On 4/13/09, claimant's representative requested a timely hearing.

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).

Applicable policy and procedure to the case herein states in part:

Effective June 1, 2008: **MA Only**

Allow the client ten 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 up to three times.... PAM Item 130, p. 4.

Unrefuted evidence on the record is that DHS granted two extensions. Unrefuted evidence is that the DHS denied the application after the third request without granting the extension.

The department stipulated that the case herein turns on the meaning of the words: “reasonable effort” cited in PAM Item 130. The department argues that it did not consider [REDACTED] efforts reasonable under the circumstances.

After a careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the letters submitted for extension requests by [REDACTED] were not unreasonable and reverses the department. As noted in PAM Item 130, if there is a reasonable effort the department is to extend the time limit up to three times. In this case, [REDACTED] submitted letters explaining the delay and the reason for the extension requests. As PAM Item 130 allows for three extensions, this Administrative Law Judge will find that the policy should be applied and reverses the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department’s actions were incorrect.

Accordingly, the department’s denial is hereby REVERSED.

It is ORDERED that the department reinstate the application, including any retro months if applicable. After receipt of this Decision and Order, if the department is still waiting for the birth certificate, the department shall issue one verification checklist with one 10-day due date. [REDACTED] will have the time period stated in the one verification checklist issued under the purview of this Decision and Order to deliver any outstanding verification(s). The department does not

need to grant any further extensions, although it may if it determines good cause. Any further extensions will be discretionary with the department.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 15, 2009

Date Mailed: September 16, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JS/cv

cc:

A large black rectangular redaction box covering several lines of text in the distribution list.