

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: 2009-2466
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2009
Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 September 22, 2009, in Owosso. Claimant failed to appear. Claimant was represented by [REDACTED].

The department was represented by Beverly Nehls (FIM) and Maria Torrez (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application because he failed to verify all of his eligibility factors by the due date?

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 June 23, 2008, claimant applied for MA-P.

(2) On July 2, 2008, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting that claimant provide proof of citizenship for himself and his daughter [REDACTED]. The caseworker also requested verification of [REDACTED] employment. The due date for providing all necessary eligibility verifications was July 2, 2008.

(3) Subsequently, [REDACTED], requested an extension and the due date. The caseworker complied and extended the due date for providing all required verification to July 21, 2008.

(4) Claimant did not verify his daughter's birth information and did not verify his employment information, as required by the July 21, 2008 due date.

(5) On July 21, 2009, the caseworker denied claimant's application due to claimant's failure to provide necessary eligibility verifications (birth certificates and verification of employment) by the due date.

(6) On October 7, 2008, claimant filed a timely hearing request.

(7) After claimant's application was denied, [REDACTED] filed (July 22, 2008) a second request for extension of the due date. This request was denied because the application had previously been denied (July 21, 2008).

(8) On October 7, 2008, [REDACTED] submitted verification of employment for [REDACTED]. However, this was not considered by the department because the application had already been denied.

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).

The following policies apply to the issues raised by claimant:

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. Also, PAM 105, page 8 and PEM 260 and 261.

Current department policy requires applicants to cooperate with the local office in determining initial and ongoing MA-P eligibility. This includes the completion of necessary forms and a face-to-face meeting when requested. PAM 105.

Cooperation also includes the requirement that recipients provide verification of their disability, when requesting MA-P benefits. PEM 210, 212, 220, 260 and 261.

The preponderance of the evidence in the record shows that claimant failed to verify his daughter's birth date and location and failed to verify his own employment status prior to the July 21, 2009 deadline.

Since claimant did not verify all of the required eligibility factors by the due date, the caseworker correctly denied claimant's MA-P application on July 21, 2009.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's MA-P application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's daughter's birth information and claimant's employment information for MA-P eligibility purposes.

Furthermore, claimant failed to comply with the department's MA-P eligibility verification rules by the due date. Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 29, 2009

Date Mailed: December 29, 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.

JWS/tg

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cc:

