

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.: 2009-24711
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 13, 2009
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was conducted from Redford, Michigan on July 13, 2009. The Claimant's authorized representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department followed policy when it denied the Claimant's Medical Assistance ("MA") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for MA on February 11, 2009.
2. On March 4, 2009, the Department sent a Verification Checklist to the Claimant requesting the verifications be submitted by March 15th. (Exhibit 1)

3. The Medical Review Team (“MRT”) requested a hospital discharge summary.
4. The Department extended the verification due dates twice until March 27th and April 9th.
(Exhibits 2, 3)
5. On April 9, 2009, the Claimant/Representative requested additional time to secure the discharge summary, noting that it was requested but had not yet been received.
6. On April 9, 2009, the Department denied the MA application based upon the failure to provide the requested documentation. (Exhibit 4)
7. On April 24, 2009, the Department received the Claimant’s written Request for Hearing protesting the denial of the MA application.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services (“DHS”), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130 Client’s are allowed 10 calendar days (*or other time limit specified in policy*) to provide the requested verifications. PAM 130 Policy in effect at the time of the denial provided that if the client cannot provide the verification despite a reasonable effort, the time limit should be

extended at least once. PAM 130 Department policy sets forth timelines in which applications should be processed. For MA applications, the Standard of Promptness (“SOP”) begins the date the Department receives the application/filing form with the minimum required information. PAM 115 In general, the SOP for MA is 45 days. PAM 115 When disability is an eligibility factor, the SOP is 90 days. PAM 115 The SOP may be extended 60 days from the date of deferral by the Medical Review Team. PAM 115 The SOP for MA cannot be changed for any reason. PAM 115 If an application is not processed by the SOP, the reason for not meeting the SOP is documented in the case record. PAM 115 Exceeding the SOP cannot be the sole reason for denying an application. PAM 115

In the record presented, the Medical Review Team requested a hospitalization discharge summary. The Claimant/Representative communicated with the Department that it had requested the information but had not received it. There was no evidence that the Claimant/Representative had failed to make reasonable attempts to secure the requested information or had otherwise refused to cooperate or update the Department regarding the status of the requested information. The Department was unable to establish why the extension request, under these facts, was denied. Under this scenario, the Department’s actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department’s determination is REVERSED.

2. The Department shall re-open and process the Claimant's February 11, 2009 application in accordance with policy and inform the Claimant and the representative of the determination.
3. The Department shall supplement the Claimant for any lost benefits (if any) he was otherwise entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/05/09

Date Mailed: 08/06/09

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.

CMM/jlg

cc:

