

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: 2009-25084

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 9, 2009

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 9, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

(1) November 19, 2008, the department mailed claimant a Verification Checklist indicating required proofs and setting a deadline for December 1, 2008.

(2) January 5, 2009, the department denied the claimant's application as it had not received the needed proofs.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

Timeliness of Verifications

All Programs (except TMAP)

Allow the client 10 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 at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it.

MA Only

Send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed.

Program Administrative Manual (PAM) 130

MA

42 CFR 435.913(a)

42 CFR 435.916(b)

MCL 400.37

Public Law 109-171

Cooperation

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms.

Clients must completely and truthfully answer all questions on forms and in interviews.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

PAM 105

MA

42 CFR 431, 435

MCL 400.60(2)

FAP

7 CFR 271.6(a)

7 CFR 272.6(a),(b)

7 CFR 273.2(d)

7 CFR 275.12(g)

In this case, the department properly sent claimant a checklist and properly established a deadline for the return of proofs. At hearing, claimant asserted that he appeared at a scheduled appointment with the department on December 1, 2008. His case worker was not at work and he was seen by another worker. Claimant asserts the worker had him sign releases and informed him that the worker would take care of getting medical proofs from claimant's physician. At

hearing, the department testified that this is not the department's usual procedure. However, the worker at issue was not present to refute claimant's testimony and the department's witness was not present at the December 1, 2008 appointment. Accordingly, there is no preponderance of evidence to establish the department acted within department policy when it denied claimant's application. Therefore, the department's action can not be upheld. Finding of Fact 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services did not act in compliance with department policy when it determined claimant's eligibility for Medical Assistance.

Accordingly, the department's action is **HEREBY REVERSED**. The department is to initiate a determination of claimant's eligibility for MA in compliance with this decision and order and department policy.

/s/
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 18, 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.

2009-25084/jab

JAB/db

cc:

