

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: 2009-28716
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 6, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 April 6, 2010.

ISSUE

Was compliance with timely verification requirements established?

FINDINGS OF FACT

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

- (1) Negative case action: Claimant's Medicaid application was re-registered on February 17, 2009 and denied on March 2, 2009 unless L&S completed the verification requirement by March 9, 2009 per PAM 115.
- (2) On February 17, 2009 the DHS sent L&S a verification check-list with a return due-date of February 27, 2009.
- (3) On February 27, 2009, L&S requested a verification extension until March 9, 2009.

(4) On March 3, 2009, the DHS representative phoned the involved L&S caseworker and verbally gave L&S until March 9, 2009, to complete a verification process; it was not completed.

(5) As of the date of the hearing (April 6, 2010) the complete requested verifications still are unavailable for submission to the DHS.

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).

Facts above are undisputed.

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, Item 105, p. 5.

Based on the undisputed facts above, this ALJ is not persuaded by the preponderance of the evidence of record that claimant/L&S has established compliance with timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that compliance with timely verification requirements was not established.

Accordingly, MA denial is UPHOLD.

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

Date Signed: April 15, 2010

Date Mailed: April 22, 2010

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.

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