

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: 2009-29140
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 3, 2010
Bay 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 three-way telephone hearing was held on February 4, 2010, in Essexville. Claimant did not appear. claimant was represented by [REDACTED].

The department was represented by Nancy Mayhew (FIM) and Terri Norton (ES). The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P/retro application because he failed to verify his eligibility 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 October 29, 2008, DHS received an MA-P application (DHS-1171) by [REDACTED]

from [REDACTED]. The application was filed on claimant's behalf. It was not signed by claimant.

(2) On October 29, 2008, the DHS/Bay City received the application, [REDACTED] did not submit a valid authorization to represent form, signed by claimant, expressly authorizing [REDACTED] to process claimant's application and discuss claimant's eligibility with DHS.

(3) On October 29, 2008, [REDACTED] alleged they had "verbal authorization" from claimant to represent him on his MA-P application.

(4) DHS/Bay County registered the October 29, 2008 application on the computer.

(5) On January 17, 2009, the caseworker sent claimant, only, a DHS-3503

(Verification Checklist) which states the following in pertinent part:

We need medical records to verify that you are disabled and unable to work for one year or longer. You need verification that you applied for Social Security. We need you to sign and date your application or a release to have [REDACTED] be your representative.

* * *

Due date: January 27, 2009.

(6) Claimant did not provide the required eligibility verifications to the local office by the due date.

(7) [REDACTED] did not provide the required verifications by the due date set by the caseworker. Also, [REDACTED] did not call DHS to obtain a status report on claimant's application.

[REDACTED] did not follow up on claimant's application in any manner prior to the denial date. Prior to January 27, 2009, claimant did not call the local office to request an extension of the DHS-3503 due date; likewise, he did not call the local office to request assistance in completing this application.

(8) [REDACTED] did not call DHS to request an extension of the 3503 due date; likewise, [REDACTED] did not call the local office to request assistance in completing claimant's application.

(9) On February 19, 2009, the caseworker denied claimant's application. The department's Hearing Summary provides the rationale behind the denial, in pertinent part:

On February 19, 2009, the department received no verifications, and the client never came in and signed his application nor signed a release for [REDACTED] to represent him. The case was denied. A denial letter was sent to client only.

* * *

(10) DHS made a good faith attempt to assist claimant in perfecting his application, which was incomplete on the date it was received.

(11) Claimant and [REDACTED] did not make a good faith attempt to provide the necessary verifications and authorizations in order for the department to proceed with an eligibility determination.

(12) On February 18, 2009, [REDACTED] requested a hearing.

(13) [REDACTED] thinks that the department violated PAM 110 because the department did not send [REDACTED] proper notices, [REDACTED] a DHS-723 and a DHS-330.

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/recipients to cooperate with the local office in determining initial and ongoing MA-P eligibility. This includes completion of the necessary forms and a face-to-face meeting when requested. PEM 105. Cooperation also includes the requirement that recipients provide verification of their asset eligibility and disability when requesting MA-P benefits. PEM 210, 212, 220, 260, and 261.

The preponderance of the evidence shows that claimant failed to verify his disability and failed to authorize [REDACTED], to represent him by the due date. The final due date for perfecting the claimant's MA-P application was January 27, 2009. The department allowed claimant additional time, beyond the 45-day standard of promptness (SOP). However, even with the gratuitous extension of the deadline, claimant failed to comply with the department's eligibility requirements.

Since claimant did not verify his disability, and did not authorize [REDACTED] to represent him prior to the due date of January 27, 2009, the department correctly denied his application.

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 that claimant's MA-P

eligibility and correctly requested an Authorization to Represent from claimant in order to establish a legal relationship between claimant and [REDACTED].

Furthermore, claimant failed to comply with the department's request for eligibility verifications and verification of [REDACTED] verbal assertion that it had authority to act as claimant's agent.

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: May 17, 2010

Date Mailed: May 18, 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 mailing 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

cc:

[REDACTED]