

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.: 2009-29558
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 10, 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 hearing was conducted from Redford, Michigan on September 10, 2009. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance ("MA-P") application for failing to provide sufficient identification?

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 public assistance on January 21, 2009.
(Exhibit 1, p. 8)

2. On January 28, 2009, the Department sent a Verification Checklist to the Claimant's authorized representative requesting the information be submitted by February 10, 2009. (Exhibit 1, p. 10)
3. On February 12, 2009, the Department granted (via email) the Claimant's verification extension request. (Exhibit 2)
4. On February 18, 2009, the Department sent a second Verification Checklist to the Claimant's representative extending the due date until March 2, 2009. (Exhibit 1, p. 11)
5. On March 3, 2009, the Department granted a third extension until March 14, 2009. (Exhibit 1, p. 12)
6. On March 18, 2009, the Claimant's representative requested another extension in order to allow the Claimant's sister-in-law to take the Claimant to the Secretary of State to obtain State identification. (Exhibit 3)
7. On March 18, 2009, the Department extended the verification due date until April 1, 2009, noting that the case would be denied unless a current picture identification was submitted. (Exhibit 1, p. 13)
8. The identification was not submitted by the due date.
9. On April 6, 2009, the Department sent an Application Eligibility Notice to the Claimant/Representative deny the MA-P application for failure to provide information. (Exhibit 1, p. 9)
10. On June 10, 2009, the Department received the Claimant's written request for hearing. (Exhibit 1, p. 2)

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”).

To be eligible for full MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. PEM 225 U.S. citizenship must be verified with an acceptable document to receive Medicaid. PEM 225 Citizenship and identity must be verified for clients claiming U.S. citizenship for applicants and recipients of FIP, SDA and MA. PAM 130 Acceptable verifications includes in part, a current, valid driver’s license, or other government issued identification card, with a photograph of the individual. PEM 221 The Michigan Department of Community Health (“MDCH”) Program Eligibility Policy Section will evaluate applicants and current Medicaid recipients who are unable to provide documentation of citizenship and identity on a case by case basis. PAM 130 The MDCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by the department which include, but are not limited to, state to state written and/or verbal inquiries, interviews with friends and relatives, and through computerized records. PAM 130 Individuals are allowed 10 calendar days (or other time specified in policy) to provide the requested verifications. PAM 130 If an individual is unable to provide the requested verification despite a reasonable effort,

the record may be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.*

In the record presented and prior to the application, the Claimant's picture identification was stolen. The Claimant's authorized representative informed the Department that the Claimant did not have a picture ID but that steps were being taken to obtain one. As a result, the Department extended the due date four times. After the fourth (and final) extension, there was no communication between the Claimant/ Representative and the Department indicating that there was any problem in obtaining the picture identification nor was there any request for assistance. Under these facts, the Department established it acted in accordance with department policy when it extended the Claimant's verification due dates as requested and ultimately denied the application after not receiving the requested identification by the final due date. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with policy when it denied the Claimant's MA-P application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



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

Date Signed: 09/16/09

Date Mailed: 09/16/09

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:

