

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.: 2009-29647
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 17, 2009
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on September 17, 2009. Claimant was represented by Attorney [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA) based upon failure to provide verification of eligibility?

FINDINGS OF FACT

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

- 1) Claimant went into a nursing home in May of 2007.
- 2) On April 10, 2009, an application for MA was filed on claimant's behalf.
- 3) In order to assess the community spouse allowance, the department requested verification of claimant's assets in May of 2007.

- 4) Despite reasonable and best efforts, claimant's representative was unable to provide verification of a portion of claimant's assets in May of 2007.
- 5) On May 26, 2009, the department denied claimant's application because "failed to provide requested verification: [REDACTED] and [REDACTED] for the month of May 2007 (and) closing account statement for [REDACTED]."
- 6) On June 3, 2009, a hearing request was filed on behalf of claimant.

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).

Relevant departmental policy in this matter is as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM Item 130, Page 1.

Tell the client what verification is required, how to obtain it, and the due date. PAM Item 130, Page 2.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

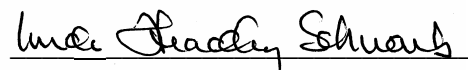
Exception: alien information, blindness, disability, incapacity, incapacity to declare one's residence, and, for FIP only, pregnancy must be verified. PAM Item 130, Page 3.

In this matter, the department acknowledged that claimant's representative used reasonable and best efforts to obtain the requested verification. Yet, despite those reasonable and

best efforts, the department denied the application based upon failure to provide verification. Departmental policy at PAM Item 130, Page 3, provides that, in such situations, the department is to use the best available information and, if no evidence is available, use “your best judgment.” Accordingly, the department’s denial in this matter must be reversed. The department is ordered to initiate reconsideration of claimant’s April 10, 2009, application for MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services improperly denied claimant’s application for Medical Assistance based upon failure to provide verification. Accordingly, the department’s determination in this matter is hereby reversed. The department is ordered to initiate reconsideration of claimant’s April 10, 2009, application for Medical Assistance.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 22, 2010

Date Mailed: January 25, 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.

LSS/pf

cc:

