

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.: 2009-29673  
Issue No.: 2006  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
October 14, 2009  
Wayne County DHS (18)

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 Claimant's Request for Hearing received by the Department on June 15, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on October 14, 2009. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA") coverage effective June 16, 2009?

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 is a MA recipient.

2. As part of the review process, on May 5, 2009, the Department sent the Claimant a Verification Checklist requesting specific documentation be submitted by May 18, 2009. (Exhibit 1)
3. The Claimant did not receive the review packet.
4. On June 3, 2009, the Claimant's case was scheduled for closure effective June 16, 2009 for failing to return the requested verifications. (Exhibit 3)
5. On June 15, 2009, the Claimant submitted a written request for hearing stating she never received any paperwork from the Department. (Exhibit 3)
6. On June 16, 2009, the Claimant's MA coverage was cancelled. (Exhibit 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 ("DHS"), formally known as the Family Independence Agency, 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").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. PAM 130

In the record presented, the Claimant denied receipt of the redetermination packet and was unaware of the review until she received notice that her MA coverage was scheduled for closure. The Claimant timely requested a hearing however her coverage was mistakenly terminated. There was no indication that the Claimant was uncooperative or had otherwise refused to cooperate. Under these facts, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's determination is not upheld.

Accordingly, it is ORDERED:

1. The Department's termination of MA benefits is REVERSED.
2. The Department shall reinstate the Claimant's benefits from the date of closure and supplement the Claimant for any lost benefits she was otherwise eligible and qualified to receive in accordance with department policy.
3. The Department shall initiate review of the Claimant's eligibility (if not previously completed) in accordance with department policy.

*Colleen M. Mamelka*

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

Date Signed: 10/21/09

Date Mailed: 10/21/09

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:

