

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: 2009-29740

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:
[REDACTED]

[REDACTED]

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 [REDACTED]. Claimant was represented at the hearing by [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly fail to allow claimant extension of time and deny claimant's application for Medical Assistance (MA) benefits for failure to provide verification information?

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 February 17, 2009, [REDACTED] applied for Medical Assistance benefits and Retroactive Medical Assistance benefits for the months of November 2008, December 2008 and January 2009. (Exhibit1)

(2) On February 20, 2009, the department caseworker sent claimant and [REDACTED] a DHS-3503 verification checklist and a DHS-3503-c verification checklist with the information due March 2, 2009. (Exhibit 2, 3)

(3) On March 2, 2009, [REDACTED] filed a request for an extension.

(4) The extension was granted until March 12, 2009.

(5) On March 12, 2009, [REDACTED] filed a request for a 2nd extension of time to provide verification information.

(6) The department caseworker denied the request for an extension and on March 13, 2009, sent claimant and [REDACTED] a denial notice for failure to provide verification information.

(7) On June 12, 2009, [REDACTED] filed a request for a hearing to contest the department's negative action.

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).

Appropriate department policy dictates that the department is to allow a client 10 calendar days to provide verification that is requested. Verifications are considered to be timely if they are received by the date they are due. If a client cannot provide the verification by a reasonable effort the department is to extend the time limit of to 3 times.

In this case, the department caseworker extended the time for the provision of verification only once. Therefore, the department did not establish by necessary competent, material and substantial evidence on the record that it acting in compliance with department policy when it determined that claimant failed to provide verification information in a timely manner. The department should have allowed [REDACTED] and the client up to 3 extensions of time to provide verification information.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department has failed to act in compliance with department policy when it denied claimant's application for failure to provide verification information in a timely manner.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's February 17, 2009 application for Medical Assistance and Retroactive Medical Assistance benefits. The department is to send to claimant and claimant's representative a verification checklist and allow 30 days from the date the checklist is issued for the submission of verification information. If, the verification information is provided within 30 days of the verification checklist, the department shall process the application and make a determination as to claimant's eligibility for Medical Assistance and Retroactive Medical Assistance benefits. If, the verification information is not provided to the department within 30 days from the issuance of the verification checklist, the department's actions shall stand.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director

Department of Human Services

Date Signed: April 9, 2010

Date Mailed: April 9, 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.

LYL/alc

cc:

