

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.: 2009-31852

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 24, 2010

Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 17, 2010. The Claimant personally appeared and testified and was represented by his Conservator [REDACTED]. The Department also appeared through its representative [REDACTED].

ISSUE

Whether the Department correctly denied the claimant Medical Assistance (MA) and retroactive MA applications?

FINDINGS OF FACT

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

1. On September 26, 2008, the Claimant filed applications for MA and retroactive MA.
2. On October 21, 2008, the department sent the claimant a verification checklist requesting various pieces of documentation. (Department exhibit 1)

3. On February 25, 2009, the department sent a second verification checklist again requesting various pieces of documentation. (Department exhibit 2)
4. On May 15, 2009, the Department denied the Claimant's MA and retroactive MA applications.
5. On July 16, 2009, the claimant requested a hearing.

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 (formerly known as the Family Independence Agency) 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).

Obtaining Verification All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "[Timeliness Standards](#)" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification....

The client must obtain required verification, but you must assist if they need and request help.

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. (PAM 130, pp. 2-3)

In this case the Department denied the claimant's applications for lack of income verification. At the hearing the claimant's conservator testified that the documentation requested by the department had been dropped off at the department by the claimant's daughter. This fact

was verified by the department. The department stated that the claimant's daughter had dropped of various documents pertaining to the verification checklist.

The department testified that it kept no records previous back to August, 2009. The undersigned finds that the department inability to verify when and what documentation was left troubling.

The documentation left by the claimant's daughter is controlling. The documentation left after the second verification checklist was according to the department, "extensive." There is no evidence of the department notifying the claimant as to the inadequacy of the documentation supplied.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES and ORDERS the department to reregister the Claimant's MA application and retroactive MA back to September 26, 2008 and continue with its verification process providing assistance when necessary.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/13/2010

Date Mailed: 4/13/2010

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 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.

MJB/jlg

cc:

