

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: 2009-33391
Issue No: 2006; 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 16, 2010
Marquette County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 in Marquette on March 16, 2008. Claimant did not appear. Claimant was represented at the hearing by [REDACTED].

The department was represented by Rob Mattia (AP Supervisor) and Betty Nelson (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application due to claimant's failure to verify her eligibility by the due date?

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 25, 2009, Ingham County DHS received a mail-in application from [REDACTED] on claimant's behalf.
- (2) On March 4, 2009, the Marquette County caseworker mailed a DHS-3503 (Verification Checklist) to claimant; she also mailed a 3503 to [REDACTED]. The 3503 requested, among other things, claimant submit a DHS-49F.
- (3) The caseworker asked claimant and [REDACTED] to verify claimant's eligibility (submit a DHS-49F) by May 16, 2009.
- (4) Claimant did not call her caseworker and request an extension prior to the due date; [REDACTED] did not call the caseworker and request an extension.
- (5) On April 15, 2009, the caseworker denied claimant's application because claimant failed to submit the required eligibility verifications (DHS-49F) by the due date (May 16, 2009). A written notice (application eligibility notice--DHS-1150) was sent to [REDACTED] and claimant denying her MA-P application. The denial was based on claimant's failure to provide a DHS-49F on or before March 16, 2009. A DHS-1150 was also mailed to [REDACTED].
- (6) The DHS-1150 mailed to claimant was not returned by the [REDACTED]; the DHS-1150 denial notice sent to [REDACTED] was not returned by the [REDACTED].
- (7) On July 8, 2009, claimant requested a hearing.
- (8) [REDACTED] thinks that they did not receive the DHS-3503 or the DHS-1150 mailed by the department on April 15, 2009.

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).

Current policy requires applicants to cooperate with the local office in determining initial and ongoing eligibility for Medicaid. This includes completion of the necessary forms, and a face-to-face meeting, when requested. BAM 150. Cooperation also includes a requirement that applicants provided verification of household composition, household income and household assets when requested. BEM 210, 212 and 220. See also BEM 100, 105, 110, 115 and 260.

The preponderance of the evidence in the record shows that claimant failed to verify her Medicaid eligibility and failed to submit a DHS-49F by the March 16, 2009 deadline established by the department. The caseworker correctly requested these verifications in order to establish claimant's MA eligibility. The caseworker correctly set a deadline of March 16, 2009 for submitting the required eligibility verifications. Claimant did not submit the required verifications by the due date; she did not request an extension for doing so.

For this reason, the caseworker correctly denied claimant's MA-P application due to claimant's failure to verify her eligibility, as requested by the due date.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's MA-P application. Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly requested verification of claimant's MA-P

eligibility. Furthermore, claimant failed to comply with the department's eligibility verification requirements by the due date.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 17, 2010

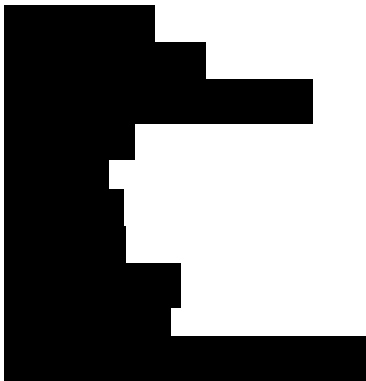
Date Mailed: May 18, 2010

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.

JWS/tg

cc:

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