

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: 2009-36648
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 20, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 January 20, 2010.

ISSUE

Was good cause established for noncompliance with timely verification requirements?

FINDINGS OF FACT

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

- (1) Negative case action: Medicaid application on September 9, 2008 was denied on March 24, 2009 based on issue above per PAM 115.
- (2) On February 13, 2009, the DHS mailed the claimant a Verification Checklist requesting hospital records for 2008; it was not submitted.

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).

Facts above are undisputed.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

Good cause-----A circumstance which is considered a valid reason for not complying with was a requirement. PRG Glossary, page 15.

Claimant testified that she did not receive the checklist mailed to her on February 13, 2009.

The DHS representative testified to a step-by-step mailing process used by the DHS on February 13, 2009: the representative put the checklist in an envelope and wrote the claimant's name and address thereon; the envelope was taken to the mailroom for meter postage stamping and thereafter the [REDACTED] representative picked up for processing and delivery to the address; and that the envelope was not returned by the [REDACTED] as undeliverable.

The claimant agreed that the DHS used her correct mailing address.

The ALJ finds the step-by-step mailing process more trustworthy and reliable than the claimant's statement that she did not receive the mailing, and that the mailing was delivered to

the claimant's address. Therefore, this ALJ is not persuaded by the preponderance of the evidence of record that the claimant has established good cause for noncompliance with timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause was not established for noncompliance with timely verification requirements.

Accordingly, Medicaid denial is UPHELD.

/s/ _____
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 24, 2010

Date Mailed: February 24, 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.

WAS/tg

cc:

[REDACTED]