

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: 2009-36733
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 three-way telephone hearing was held on Wednesday, May 5, 2010. The claimant was not present, but was represented by his authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA-P) application based upon the fact that the claimant did not provide the required verification?

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 December 29, 2008, the claimant applied for MA-P. (Department Exhibit 1)

(2) On March 9, 2009, the department caseworker sent the claimant a Verification Checklist, DHS-3503, for an in-person interview on March 17, 2009 at 1:00 p.m. to provide the verification required to determine eligibility. (Department Exhibit 2)

(3) On March 30, 2009, the department caseworker sent the claimant a Denial Notice based on the application filed on December 29, 2008 that the claimant was denied for failure to provide verification. (Department Exhibit 3)

(4) On August 4, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(5) This Administrative Law Judge notes that the claimant signed an Authorization to Represent dated September 25, 2008 which was a part of the application form, but there is no verification that the department caseworker sent a Verification Checklist and a Denial Notice to [REDACTED] as is required by policy.

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).

The department's program eligibility manuals provide the following relevant policy statement and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In the instant case, [REDACTED] filed an application for the claimant that was received by the department on December 29, 2008. On March 9, 2009, the department caseworker sent the claimant a verification notice that required an interview on March 17, 2009 at 1:00 p.m. to provide the required verification to determine MA-P eligibility, but the claimant was a no show. As a result, the department caseworker sent the claimant a notice on March 30, 2009 that his application dated December 29, 2008 was denied for failure to provide verification.

A review of the documentation provided by the department does not verify that a copy of the Verification Checklist and Denial Notice were sent to [REDACTED]. As an authorized representative, [REDACTED] has a right to a copy of everything that is sent to the claimant to assist the claimant in providing the required verification to determine MA-P eligibility.

Therefore, the department has not established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification

when a copy of Verification Checklist and Denial Notice was not sent to the authorized representative as is required by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not appropriately deny the claimant's December 29, 2008 application for failure to provide verification because a copy of the Verification Checklist and Denial Notice was not sent to the authorized representative, which was [REDACTED].

Accordingly, the department's decision is **REVERSED**. The department is ordered to reprocess the claimant's December 29, 2008 application with retroactive MA-P to September 2008 and send a copy of the Verification Checklist requesting verification to the claimant and the authorized representative.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 18, 2010

Date Mailed: June 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.

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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.

CGF/vc

cc:

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