

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.: 2009-37263
Issue No.: 2006, 4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 26, 2010
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on May 26, 2010. Claimant appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA-P) and State Disability Assistance (SDA) based upon failure to provide verification of eligibility?

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 12, 2008, claimant's authorized representative (A.R.) filed an application on claimant's behalf for MA-P and SDA benefits.

- 2) The department gave claimant/his A.R. three time extensions beyond the original due date for items of documentation to be submitted to the department.
- 3) On June 4, 2009, the department denied claimant's February 12, 2008, application based upon failure to provide requested items of documentation.
- 4) On June 10, 2009, claimant's A.R. faxed the department the requested documentation.
- 5) On July 30, 2009, claimant's A.R. filed a hearing request to protest the department's June 4, 2009, denial of claimant's February 12, 2008, application for benefits.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Relevant departmental policy at the time of the determination was as follows:

Verification and Collateral Contacts

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements...

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level.

BAM Item 130, p. 1.

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

BAM Item 130, p. 2.

Effective June 1, 2008 **MA Only**

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Verification[s] are considered to be timely if received by the date they are due. For electronically transmitted verifications (e.g., fax, email), the date of the transmission in [is] the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed.

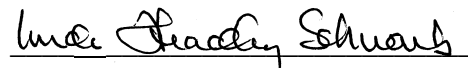
BAM Item 130, pp. 4 and 5.

In this matter, the department followed policy. The department provided the claimant/A.R. three time extensions beyond the original due date for items of requested documentation. The claimant/A.R. failed to submit the requested items of verification. Accordingly, since the time period had elapsed, the department properly denied claimant's February 12, 2008, application for benefits. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for Medical Assistance and State Disability Assistance based upon failure to provide requested items of verification.

Accordingly, the department's action in this matter must be affirmed.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 8, 2010

Date Mailed: June 8, 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.

LSS/pf

cc:

