

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: 2009-5385

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 10, 2009

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's representative's [hereinafter claimant] request for a hearing. Claimant did not appear at the administrative hearing pursuant to his representative's instructions.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's 6/30/08 application?

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 6/30/08, [REDACTED] applied for Medicaid on behalf of claimant looking for a hospitalization payment for March, 2008.
- (2) On 8/13/08, the DHS denied the application for failure to provide a picture ID for claimant.

(3) ██████ did not indicate on the application for assistance that there was any disability issue.

(4) ██████ requested and was granted three extensions to provide a picture ID and/or to meet the identity records request which could be used in lieu of a picture ID.

(5) On 8/8/08, ██████ represented to the local office that claimant was going to bring in his ID directly to the local office and that ██████ would follow up on claimant's delivery. Claimant failed to come into the local office. Claimant was instructed by ██████ not to appear at the administrative hearing and was not available for testimony and/or cross-examination.

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).

Applicable policy and procedure to the case herein is found in PEM Item 221. Federal and state law requires individuals to verify identity when recipients of welfare programs administered by the state and funded by both federal and state governments.

In this case, claimant applied for MA. Under the above-cited authority, the department is required and must follow strict federal mandates to ensure that an individual's identity is verified prior to issuing any welfare benefits. The department followed its policy and procedure in requesting verification of identity pursuant to the verification checklist(s) as well as the information on the checklist found on DHS-3505-C, which indicates which type of documents would suffice.

As policy requires, the department granted three extensions to [REDACTED] requests for extra time to deliver the requested verifications. See PAM policy.

Pursuant to a correspondence issued August 8, 2008 by [REDACTED] to the local office, [REDACTED] indicated:

...I am still waiting for claimant [claimant's] ID. His mother was supposed to mail a copy to our office last week, however I have not received it as of today. Per my conversation with [claimant] this morning, he is going to take his ID directly to your office today. I will follow up with you on Tuesday 8/12/08 to make sure this was done.

Unrefuted evidence on the record is that claimant failed to deliver the ID to the local office. Unrefuted evidence on the record is that [REDACTED] did not follow up.

Under federal and state law, the department was required to deny claimant for failure to provide adequate verification. For these reasons, and for the reasons stated above and under the above-cited authority, this Administrative Law Judge upholds the denial of the application.

It is noted that some of this dispute centered on claimant's failure to deliver the verification. Pursuant to [REDACTED] representations, claimant was instructed not to appear at the administrative hearing. Claimant was not available for testimony and/or cross-examination.

It is also noted that the hearing request form signed by [REDACTED] makes a statement regarding disability. Unrefuted evidence on the record is that the application did not indicate that there was any disability issue herein. The [REDACTED] request form also indicates that a verification ID in the form of a driver's license was faxed. At the administrative hearing, [REDACTED] stipulated that there was no evidence of a driver's license having been faxed to the local office prior to the DHS due dates on the record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial of claimant's June 30, 2008 MA application, including three retro months, is hereby UPHELD.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 18, 2009

Date Mailed: September 18, 2009

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 mailing date of the rehearing decision.

JS/cv

cc:

