

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.: 2009-5999
Issue No.: 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 26, 2009
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on August 17, 2009. The Claimant appeared through his authorized representative [REDACTED] by [REDACTED]. [REDACTED] AP Supervisor appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's MA benefits due to claimant's failure to return verifications pursuant to a verification request?

FINDINGS OF FACT

- (1) Claimant applied for Medicaid and Retro Medicaid benefits May 29, 2008 ?
- (2) Verification request sent to claimant on September 8, 2008 with due date of September 18, 2008?
- (3) On September 19 claimant's case was denied.

- (4) Claimant requested hearing on October 30, 2008 alleging that an extension had been requested.
- (5) At the hearing in this matter the parties reached a settlement. The department has agreed to reinstate and reprocess the application. As a result of this agreement, claimant indicated he no longer wished to proceed with the appeal.

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 (formerly known as the Family Independence Agency) 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6. Under Program Administrative Manual Item 600, clients have the right to contest any

agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the department has agreed to reinstate FAP benefits retroactive to the date of closure May 31, 2009. Claimant is to provide verification of his income and the Department is to rebudget FAP. As a result of this agreement, claimant indicated he no longer wished to proceed with the hearing. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Department and claimant have come to a settlement regarding claimant's request for a hearing. Therefore it is ORDERED that the Department reinstate claimant's FAP benefits retroactive to the date of closure May 31, 2009 in accordance with this settlement agreement. Mr. Davis shall provide verification of his income and the department will re-budget his FAP benefits.

/s/

Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/03/09

Date Mailed: 09/03/09

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.


2009-5999/AM

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.

AM/jlg

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