

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.: 2009-6584
Issue No.: 2005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 9, 2009
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was conducted from Monroe, Michigan on July 9, 2009. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department followed policy when it denied the Claimant's Medical Assistance ("MA") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for MA on July 9, 2008.

2. On July 30, 2008, the Department sent a Verification Checklist to the Claimant requesting proof of citizenship for the Claimant's wife be submitted by August 12, 2008. (Exhibit 1)
3. The Claimant/wife was informed that the hospital souvenir birth certificate was not acceptable. (Exhibit 3)
4. On August 7, 2008, the Claimant/wife received an application for certified copy of birth record from California. (Exhibit 4)
5. The Claimant/wife informed the Department that she was trying to obtain of copy of her California birth certificate.
6. The Department extended the verification due date until September 3, 2008. (Exhibit 1)
7. The Claimant completed the birth record application on August 15th and had it notarized and obtained a money order for the fee on August 20, 2008. (Exhibit 5)
8. On September 17, 2008, the Department denied the MA application based upon the failure to secure the wife's birth certificate. (Exhibit 2)
9. On October 10, 2008, the State of California issued the Claimant's birth certificate. (Exhibit 6)
10. On November 12, 2008, the Department received the Claimant's written Request for Hearing protesting the denial of the MA application.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program

pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental 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 include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130 Client’s are allowed 10 calendar days (*or other time limit specified in policy*) to provide the requested verifications. PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. PAM 130

To be eligible for full MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. PEM 225 citizenship must be verified with an acceptable document to receive Medicaid. PEM 225 Primary evidence of citizenship is documentary evidence of the highest reliability that conclusively establishes that a person is a U.S. citizen. PEM 225 Secondary evidence includes, but is not limited to, a U.S. public birth record showing birth in on of the 50 United States. PEM 225 Hospital souvenir birth certificates are not acceptable. PEM 225 The Michigan Department of Community Health (“MDCH”) Program Eligibility Policy Section will evaluate applicants and current Medicaid recipients who are unable to provide documentation of citizenship and identity on a case by case basis. PAM 130 The MDCH will attempt to verify citizenship and/or identity after all other possibilities have been exhausted by DHS which includes state to state written and/or verbal inquiries, interviews with friends and relatives and the use of computerized records.

Department policy sets forth timelines in which applications should be processed. For MA applications, the Standard of Promptness (“SOP”) begins the date the Department receives

the application/filing form with the minimum required information. PAM 115 In general, the SOP for MA is 45 days. PAM 115 When disability is an eligibility factor, the SOP is 90 days. PAM 115 The SOP may be extended 60 days from the date of deferral by the Medical Review Team. PAM 115 The SOP for MA cannot be changed for any reason. PAM 115 If an application is not processed by the SOP, the reason for not meeting the SOP is documented in the case record. PAM 115 Exceeding the SOP cannot be the sole reason for denying an application. PAM 115

In the record presented, the Claimant's wife mistakenly believed that her hospital souvenir birth certificate was acceptable proof of her citizenship. When the Claimant's wife was informed otherwise, she contacted the State of California, prior to the initial verification due date, requesting the required forms necessary for her to obtain a certified birth record. In addition, the Department was updated regarding the attempts to secure the birth record. As a result, the Department extended the verification due date until September 3rd. On September 17th, after not receiving the verification, the Claimant's MA application was denied, noting that the Standard of Promptness had lapsed. In this case, disability was an eligibility factor which would have resulted in a 90 day SOP thus at the time of denial, SOP had not lapsed. Regardless, exceeding the SOP cannot be the sole basis for a denial. There was no evidence that the Claimant, or his wife, had refused to cooperate or had failed to inform and update the Department of the dilemma. Instead, the Claimant/wife made reasonable attempts to secure the record and it was only due to processing issues from California's Department of Public Health, something beyond the control of the Claimant/wife, that resulted in a delay in submitting the proof of citizenship. Under this scenario, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall re-open and process the Claimant's July 9, 2008 application in accordance with policy and inform the Claimant and the representative of the determination.
3. The Department shall supplement the Claimant for any lost benefits (if any) he was otherwise entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/14/09

Date Mailed: 07/14/09

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. 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.

CMM/jlg

cc:

