

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: 2009-6927

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 21, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 Hearing received by the Department on September 10, 2008. After due notice, a telephone hearing was conducted on September 21, 2009. The Claimant's authorized representative, [REDACTED] from [REDACTED], appeared and testified. Linda Riffenburg, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") 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 is represented by [REDACTED].

2. On January 18, 2008, [REDACTED] submitted a public assistance application on behalf of the Claimant seeking MA-P benefits.
3. An Authorization to Represent the Claimant was submitted with the application. (Exhibit A7).
4. On 3/28/08, the Medical Review Team (“MRT”) deferred the disability determination requesting that the Claimant attend an internist and psychiatric examination. (Exhibit A14).
5. The medical examination was scheduled for [REDACTED]. However, the Claimant failed to attend the evaluations.
6. [REDACTED] reported that Claimant was out of town due a death in the family and was unable to confirm when Claimant would be returning home. [REDACTED] then requested that the Department make a determination based on the information available. (Exhibit A13).
7. As a result, on 6/18/09, the Department sent the Claimant a denial notice based upon the failure to attend the scheduled examinations. (Exhibit 1).
8. On September 10, 2008, the Department received a written hearing request from the authorized representative on behalf of the Claimant, protesting the denied 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 (“DHS”), formally known as the Family Independence Agency, 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 include the completion of the necessary forms. PAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM 130, p. 1. Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130, p. 4. If the client cannot provide the verification for MA purposes, despite a reasonable effort, the time limit should be extended up to three times. *Id.* Verifications are considered timely if received by the due date. *Id.* An authorized representative is a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf. PAM 110, p. 7.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and the Department is required to deny the application or close the case. PEM 260, p. 4. Furthermore, the Department is instructed not to return the medical evidence to MRT for another decision in this instance. Id.

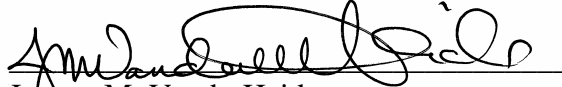
In the record presented, Claimant failed to attend the scheduled medical examination. It was not known when Claimant would return to town and Claimant was unable to be reached by his authorized representative. As a result, Claimant’s AR requested that the department make a determination on the information available. According to PEM 260, if a Claimant does not appear for a medical examination, then the case is to be closed and it is not necessary to refer the case back to MRT. Therefore, the Department appropriately processed the denial.

Accordingly, the Department’s MA denial is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the Claimant's MA application is upheld.

Accordingly, it is ORDERED that the Department's denial of the MA application is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/08/09

Date Mailed: 10/09/09

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 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.

JV/dj

cc:

