

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: 2009-722
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 August 12, 2009. Claimant did not appear but Claimant's authorized hearing representative L&S Associates appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application for failure to provide required information and verifications?

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 November 21, 2007, Claimant was admitted to the hospital. That same day Claimant signed an authorization for L&S Associates to represent her and an authorization for release of information.

- (2) On November 24, 2007, Claimant was discharged from the hospital.
- (3) On December 10, 2007, an application for Medical Assistance (MA) was submitted on behalf of Claimant, by L&S Associates.
- (4) On March 8, 2008, a Verification Checklist (DHS Form 3503) was sent to Claimant at her address of record with the Department. A Verification Checklist (DHS Form 3503) was also sent to the authorized hearing representative. Required information was due in to the Department by March 18, 2008.
- (5) On March 17, 2008, the Verification Checklist (DHS Form 3503) that was sent to the Claimant was returned by the Postal Service as undeliverable.
- (6) On March 18, 2008, the authorized hearing representative requested an extension to obtain the hospital discharge and summary. The Department granted an extension until March 28, 2008.
- (7) On March 28, 2008, the authorized hearing representative requested another extension.
- (8) On March 30, 2008, an Application Eligibility Notice form (DHS-1150) was sent out by the Department denying Claimant's application for Medical Assistance (MA) due to failure to provide verifications timely.
- (9) On June 27, 2008, another Application Eligibility Notice form (DHS-1150) was sent directly to the authorized hearing representative.
- (10) On August 14, 2008, the authorized hearing representative submitted a request for hearing.

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).

At this hearing the authorized hearing representative argued that the application should be reinstated in accordance with Program Administrative Manual (PAM) 130 because the Department did not grant a third extension. The Department's policy in effect at the time stated that a client should be allowed 10 days to provide verifications and if the client cannot produce the verification despite a reasonable effort to extend the time limit at least once. The policy goes on to state a negative action notice should be sent when the time limit given has expired and the client has not made a reasonable effort to obtain the verification. On June 1, 2008 the Department policy was changed to state that for MA only if the client was unable to provide the verification despite a reasonable effort to extend the time limit up to three times.

The authorized hearing representative was unable to provide any evidence regarding their communication with the Claimant and what if any effort Claimant or the authorized hearing representative was making to provide the required information. The record does contain documentation showing that the Verification Checklist (DHS Form 3503) sent to the Claimant was returned by the Postal Service as undeliverable.

In this case, the authorized hearing representative was in possession of an authorization to release medical records from Claimant. Claimant had been discharged from the hospital on [REDACTED]. On [REDACTED], the authorized hearing representative still did not have the hospital discharge and summary. These facts preclude a finding that the authorized hearing

representative was making a reasonable effort to obtain the required information. The Department did not violate its policy by denying Claimant's application for failure to cooperate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Medical Assistance (MA) application for failure to provide required information and verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 13, 2009

Date Mailed: October 21, 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 receipt date of the rehearing decision.

GFH/ [REDACTED]

cc:

[REDACTED]