

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: 2009-724
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: July 9, 2009
Location: Allegan County DHS

ADMINISTRATIVE LAW JUDGE: SUSAN PAYNE WOODROW

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 22, 2008. After due notice, a telephone hearing was conducted from Flint, Michigan on March 2, 2009. The Claimant, [REDACTED], appeared and testified. Marvin Duell, General Services supervisor, 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. On August 25, 2008, claimant filed an application for State Disability Assistance, Medical Assistance and the Food Assistance Program benefits. (Exhibit A)
2. On August 26, 2008, claimant was sent a Verification Check List (DHS – 3503) (Exhibit B, p 2) including a Medical Social Questionnaire (DHS-49-F). (Exhibit B, p 3-6).
3. The verifications were to be returned via September 8, 2008.
4. On September 17, 2008, in a telephone call, claimant stated she would put papers in the mail the next day. They were not received before the denial. Without the Medical Social Questionnaire, no referral could be made to the Medical Review Team or the State Review Team.
5. The Department never received any documentation.
6. On September 22, 2008 the department issued an Application Eligibility Notice (DHS-1150), denying benefits for failure to cooperate with returning required forms and verifications. (Exhibit B, p 6)
7. Claimant filed an appeal of the denial on September 22, 2008. (Exhibit B, p 1)

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. Clients 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.* In the record presented, the Department failed to provide any extensions. The application was denied based upon the failure to submit requested verifications and a Medical Social Questionnaire. Under this scenario, the Department acted in accordance with Department policy when it denied the Claimant's MA application. 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:

1. The Department's denial of the claimant's MA application is AFFIRMED.

/s/
Susan Payne Woodrow
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 16, 2009

Date Mailed: July 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 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.

SPW/klt

cc:

