

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: 2009-9521
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Lawrence Hollens

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 received by the Department on November 14, 2008. The Department received a request for hearing. After due notice, a telephone hearing was conducted from Sterling Heights, Michigan on August 5, 2009. The authorized representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the claimant's Medical Assistance application?

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 July 17, 2008, a Medicaid Application was filed.

- (2) On August 15, 2008, a DHS 3505 verification check list was mailed to the claimant as well as his authorized representative.
- (3) On August 22, 2008, the authorized representative faxed a bank account information form to the Department.
- (4) The Department communicated with the authorized representative and gave an extension until September 4, 2008 to secure a signed copy of the bank information.
- (5) On September 5, 2008, the second extension was requested and the Department complied giving the authorized representative until September 14, 2008.
- (6) On September 15, 2008, a third extension was requested.
- (7) The Department sent a DHS 3503 to the authorized representative on September 16, 2008.
- (8) On September 16, 2008, the Department also sent a DHS 20 for May, June and July of 2008 with a due date of September 26, 2008.
- (9) The authorized representative did not return the DHS 3503 in a completed form or the DHS 20 by the due date of September 26, 2008.
- (10) On September 26, 2008, the Department sent a Notice of Denial of the Medicaid Application by the authorized representative.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of Chapter 7 of the Public Health and Welfare Act, 33 USC 1397, and as administered by the Department of Human Services (DHS), formerly known as the Family Independence Agency, pursuant to MCLA 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 (PREM).

Clients or their duly authorized representatives must cooperate with the local office in determining the initial and on going eligibility to include the completion of the necessary forms. PAM 105, page 5, verification, means documentation or other evidence to establish the accuracy of the claimant's verbal or written statements PAM 130, page 1. This also applies to an authorized representative. The authorized representative was informed that it needed to have a form signed to verify the assets in the possession of the bank. The application was denied based upon the failure to submit a signed verification of assets from the bank.

PAM 130 page 3 indicates that if neither the client nor the Department can obtain their verification despite a reasonable effort, use the best available information. If no information is available, use your best judgment.

Under this scenario, the Department failed to establish it acted in accordance with departmental policy when it denied the claimant's application. Accordingly, the Departments Medicaid Application denial is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's Medicaid Application is not upheld.

Accordingly, it is ordered the Department's denial of the Medicaid application is REVERSED. The Department shall reopen and process the claimant's July 17, 2008 Medicaid application in accordance with the Department's policy.

The Department shall supplement the claimant for any loss benefits he was otherwise eligible and qualified to receive in accordance with departmental policy.

/s/
Lawrence Hollens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/31/09

Date Mailed: 08/31/09

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.

LH/kdj

cc:

[REDACTED]