

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 201010282
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
May 27, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on Thursday, May 27, 2010. The claimant appeared and testified.

ISSUE

Did the department properly the claimant's Medical Assistance (MA) application based upon the fact that claimant did not provide the required verification?

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 2, 2009, the claimant applied for MA. (Department Exhibit 1-16)
2. On July 2, 2009, a Verification Checklist, DHS-3503, was given to the claimant requiring her to provide verification of stopped income along with verification of assets for the checking account, savings account, and 401K plan with a due date of July 13, 2009. (Department 18-19)
3. On July 27, 2009, the claimant's MA application was denied because the claimant failed to provide the requested verification of her other assets of another [REDACTED] account and the account at [REDACTED].

4. On July 27, 2009, the department caseworker sent the claimant a denial notice due to failure to verify requested verification. (Department Exhibit 24-26)
5. On September 2, 2009, the department received a hearing request from the claimant, contesting the department's negative action.
6. During the hearing, the claimant testified that she hand delivered the required verification on July 9, 2009 and she mailed it again on July 20, 2009.
7. During the hearing, the claimant stated that she called her department caseworker several times with no response on July 3, 2009, July 6, 2009, July 7, 2009, July 9, 2009, and July 10, 2009.
8. This Administrative Law Judge notes that the department caseworker was not present at the hearing and her client call log was not submitted by the department.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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).

The department manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In the instant case, the claimant testified that she hand delivered the required verification on July 9, 2009 and she subsequently mailed additional verification on July 20, 2009. In addition, she called the department caseworker several times with no response on July 3, 2009, July 6, 2009, July 7, 2009, July 9, 2009, and July 10, 2009. The claimant's application was denied on July 27, 2009 because the department caseworker stated that the claimant failed to provide verification of her other assets of another account at [REDACTED] and an account at [REDACTED]. The department caseworker was not available for the hearing and the claimant's contact log was not provided as evidence or the claimant's sign-in sheet for July 9, 2009.

Therefore, the department has not established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department did not appropriately deny the claimant's MA application because the claimant did not provide the required verification.

Accordingly, the department is **ORDERED** to reprocess the claimant's July 2, 2009 application to give the claimant another opportunity to submit the missing required verification to determine eligibility.

/s/ _____
Carmen Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 12, 2010

Date Mailed: July 12, 2010

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.

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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.

CGF/VC

cc:

