

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. 201011573
Issue No. 2006; 4003
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 22, 2010
Genesee 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 Tuesday, June 22, 2010. The claimant personally appeared and testified with his authorized representative, [REDACTED], as a witness.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) and State Disability Assistance (SDA) application based upon the fact that the claimant did 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 April 16, 2009, the claimant applied for SDA and MA.
2. On July 13, 2009, the department caseworker sent out a Verification Checklist, DHS-3503, with required verification that was due back on July 23, 2009. (Department Exhibit 1-22)
3. On July 23, 2009, the claimant provided a DHS-49F and G and told the department caseworker that his physician would not complete a DHS-54A and 49 where the physician required a pre-pay. The department caseworker informed the claimant that DHS does not pre-pay for photocopies. At the request of the claimant, the department caseworker faxed the DHS-93A to the physician's office and gave the claimant an extension to August 17, 2009. (Department Exhibit 22-24)

4. On August 18, 2009, the department mailed to the physician a DHS-93A and gave the claimant another extension to August 24, 2009.
5. On October 2, 2009, the department caseworker denied the claimant's SDA and MA-P application.
6. Subsequently, on October 12, 2009, the department caseworker received the DHS-54A and 49.
7. On October 20, 2009, the department caseworker received the DHS-93A and duplicate 54A, 49, and additional progress notes.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 *et seq.*, and MAC 4 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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).

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 applied for benefits on April 16, 2009 for MA and SDA. The claimant's treating physician was non-cooperative and did not send the required medical documentation to the department in a timely manner in that the claimant's case closed on October 2, 2009 and the medical records were not received from the claimant's treating physician until October 12, 2009 and October 20, 2009. The claimant has no control over how long it takes his physician to complete the records and he was in contact with his caseworker and he did do his part to provide the information. In addition, the department caseworker faxed to the physician's office twice the DHS-93A. However, the department caseworker cannot leave the case open indefinitely and the claimant applied on April 16, 2009 and the information was not received until six months later.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification to determine MA and SDA eligibility. The claimant is encouraged to reapply for benefits based on the medical records submitted in October 2009.

DECISION AND ORDER

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

Accordingly, the department's decision is **AFFIRMED**.

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

Date Signed: July 27, 2010

Date Mailed: July 27, 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.

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:

