

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.: 2010-12930  
Issue No.: 2006  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
March 1, 2010  
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, March 1, 2010. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with department policy when it denied the Claimant's Medical Assistance ("MA-P") application based on the failure to timely submit the requested verifications?

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 March 23, 2009, the Claimant submitted an application for public assistance seeking Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefits.

2. The Medical Review Team found the Claimant disabled.
3. On April 28, 2009, the Department sent a Verification Checklist to the Claimant/Representative instructing her to return the requested information by May 8, 2009. (Exhibit 1)
4. The due date was extended.
5. On May 29, 2009, the Department sent a Final Verification Checklist to the Claimant/Representative instructing her to submit a Statement of Support form(s) as well as proof of application filed with the Social Security Administration. (Exhibit 2)
6. On July 30, 2009, the Department sent the Claimant/Representative an Application of Eligibility Notice informing the Claimant/Representative that the MA-P and SDA benefits were denied based on the failure to submit the requested verifications. (Exhibit 3)
7. The Claimant/Representative did not submit the State of Support form(s) until after the denial date. (Exhibits 5, 6, 7, 8)
8. In August 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 8)
9. On October 26, 2009, the Department received the Claimant's authorized representative's written request for hearing. (Exhibit 4)

#### 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 pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the program

pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Departmental policies are found in the Program Administrative Manual (“PAM”)/Bridges Administrative Manual (“BAM”), the Program Eligibility Manual (“PEM”)/Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”)/Bridges Policy Glossary (“BPG”).

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM/BAM 105 Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. PAM/BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. *Id.* Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM/BAM 130 For MA purposes, if a client cannot provide the verification, despite reasonable effort, an extension should be granted up to three times. PAM 130 A negative action notice is sent when the client refuses to provide a verification **or** the time period given has elapsed. PAM/BAM 130

In the record presented, the Claimant was found disabled by the MRT. As a result, the Department began processing the Claimant’s application which included securing information regarding the Claimant’s income (amongst other things). The Department specifically requested completed Statement of Support form(s) from individuals who provided the Claimant with money to pay bills as well as proof that the Claimant applied for SSI & RSDI. The Department had the means to secure information regarding the application with the Social Security Administration however the Claimant failed to submit the requested Support Statements until after the verification checklist extensions expired. The Department denied the case on July 30, 2009. The Claimant’s request for hearing, received in August of 2009, provided in relevant part:

“I was unable to provide the correct forms on time, however I now have the letter of support from my brother and documentation from Social Security Admin. that I did apply for SSDI.” (sic)

Further, the Claimant’s testimony, as well as her brothers, corroborated the fact that the requested forms were not timely submitted. The forms were received by the Department on August 27, 2009. In light of the foregoing, the Department’s determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with department policy when it denied the Claimant’s MA application for failing to timely provide verifications necessary to determine eligibility.

Accordingly, it is ORDERED:

The Department’s eligibility determination is AFFIRMED.

*Colleen M. Mamelka*

---

Colleen M. Mamelka  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 3/11/2010

Date Mailed: 3/11/2010

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 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.

CMM/jlg

cc:

