

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: 2010-13681
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 15, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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. After due notice, a telephone hearing was held on June 15, 2010.

ISSUE

Was verification compliance established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Negative case action: Retroactive Medicaid application on June 11, 2009, for March, 2009 was denied on September 1, 2009 based on issue above per BEM 225.
- (2) The claimant did not receive SSI during the month of March, 2009.
- (3) A verification check-list was sent to the claimant/L&S with a due-date of August 13, 2009; citizenship verification was not received.

CONCLUSIONS OF LAW

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).

Facts above are undisputed.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

The claimant argued that as long as SSI eligibility established citizenship after March, 2009 that was also an establishment of citizenship verification for March; and that therefore no further verification was required.

The DHS argued that the claimant was no longer an SSI recipient and that verification had to be established by the claimant for that month as required by the verification check-list.

The citizenship verification was automatic for SSI eligibility. But, once this discontinued, the claimant had to establish by other means that he was still a citizen.

The ALJ does not find by a preponderance of the evidence of record that timely verification requirements were established for March, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that verification compliance was not established.

Accordingly, Retroactive MA denial for March, 2009 is UPHELD.

/s/


William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 28, 2010

Date Mailed: June 29, 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.

WAS 

cc:

