

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: 2010-22925

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 28, 2010

Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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, an in-person hearing was held on April 28, 2010. Claimant's wife [REDACTED] personally appeared and testified. Claimant was unable to attend the hearing. Claimants were represented by [REDACTED], [REDACTED].

ISSUE

Did the department correctly deny claimant's Medicaid (MA) application in September, 2009?

FINDINGS OF FACT

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

1. Claimants initially applied for MA on December 22, 2008 and were denied. Claimants requested a hearing on this denial and department agreed to re-process December, 2008 MA application during the hearing of September 1, 2009.
2. Claimants and their representative were given a Verification Checklist, DHS-3503, on September 1, 2009 requesting that verification of income be returned by September 15, 2009. (Department's Exhibit 1).
3. On September 23, 2009 department denied claimants' MA application due to their failure to return requested verifications. (Department's Exhibit 2).
4. Claimants requested a hearing on December 17, 2009 stating that their authorized representative called and left voice mail messages with both the caseworker and manager requesting an extension and a return telephone call, and citing several dates on which this contact was attempted.
5. At the hearing claimant's representative provided a copy of [REDACTED] telephone calls for account of [REDACTED] showing that a telephone call was made to claimant's caseworker on September 15, 2009 at 5:47 pm for 1.6 minutes. Representative stated that the call was made and a voice mail left pertaining to a need for an extension to provide requested verifications. Telephone number on the bill corresponds to the telephone number caseworker wrote on the DHS-3503 of September 1, 2009.
6. Following the hearing claimant's representative also provide a copy of an e-mail sent to DHS Manager on September 14, 2009 at 2:43 pm by [REDACTED] stating that she has not received a fax regarding the last date of her husband's employment yet, but hopes to have it shortly. The e-mail then states "The deadline is tomorrow and I was wondering if I could possibly get an extension", and leaves a telephone number where [REDACTED] can be reached.

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).

Departmental policy states that if additional verification is needed to determine eligibility, clients are to be given a DHS-3503, Verification Checklist, with a due date to provide it. The client is to be allowed 10 calendar days to provide the requested verification. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times. A negative action notice is to be sent when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

In claimant's case an e-mail was sent to departmental manager involved with this case on September 14, 2009 at 2:43 pm stating that [REDACTED] was making an attempt to obtain verification of employment for her husband that was requested by the department. The deadline for providing the verification was September 15, 2009, as stated on DHS-3503. Claimant's e-mail the day before the due date can be construed as inability to provide the verification despite a reasonable effort, and an extension of another 10 days should have been given. In addition, claimant's representative placed a telephone call to claimant's caseworker on September 15, 2009 and claims she left a voice mail about the verification deadline at that time. This Administrative Law Judge finds representative's testimony that she left the voice mail in question credible, as she finds no logical reason why the representative would place a call

without leaving the message. Department denied claimant's application on September 23, 2009 instead of giving another extension, as required by policy. Furthermore, department should have informed the claimant and her representative of the new extension deadline, thereby enabling both to request another extension (a 3rd one allowed by policy for MA) that would have covered September 30, 2009, the date verification was provided. Lastly, claimant's September 14, 2009 e-mail states that [REDACTED] employer could not be reached to obtain information about last day worked. Departmental policy also requires that the department assist clients in obtaining requested verifications if they cannot do so despite a reasonable effort. Departmental staff could have attempted to contact the employer directly and verified last day of work for the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly denied claimant's MA application in September, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed December 22, 2008 MA application.
2. Grant the claimant any MA benefits he is found eligible for based on December, 2008 application.
3. Notify the claimant in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 18, 2010

Date Mailed: May 19, 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.

IR/tg

cc:

