

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: 2010-26282
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 July 21, 2010. The claimant personally appeared and testified under oath.

The department was represented by Steven Drews.

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly process claimant's September 25, 2009 application for MA-P?

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 September 25, 2009, claimant's hospital representative applied for MA-P and retro on claimant's behalf.

(2) The department was unable to meet the standard of promptness for processing claimant's application due to errors caused by Bridges.

(3) On December 3, 2009, the caseworker faxed a DHS-3503 Verification Checklist to claimant's representative and claimant. The 3503 requested that claimant provide eligibility verifications and a report on claimant's income and assets for the months in question. The due date for supplying the requested verifications was December 14, 2009.

(4) On December 3, 2009, at 9:15 a.m., the caseworker faxed the DHS-3503 to claimant and his representative asking that claimant provide certain specified income and asset verifications.

(5) On December 3, 2009, at 3:29 p.m., claimant's hospital representative faxed a duplicate of the original application documents, but did not provide the caseworker with the missing income and asset verifications he requested earlier in the day.

(6) On December 3, 2009, at 3:31 p.m., the caseworker again faxed to claimant and the hospital representative, a 3503 notifying claimant and his representative that the requested items necessary to verify June income and assets still had not been submitted.

(7) On December 14, 2009, the date the requested eligibility verifications were due, claimant called his caseworker and requested an extension in order to provide the June verifications for 2009.

(8) On December 14, 2009, the caseworker granted claimant an extension to December 21, 2009 for the purposes of assisting claimant in obtaining the required June verifications.

(9) Claimant did not provide the required June verifications to the caseworker by the extension deadline (December 21, 2009).

(10) On December 22, 2009, the caseworker denied claimant's MA-P application due to claimant's failure to verify his June eligibility factors (assets and income), as requested on December 3 and December 14.

(11) On December 22, 2009, after the caseworker denied claimant's MA-P application, claimant submitted the requested documentation for June 2009.

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).

The department's manuals require that clients cooperate with the department in establishing initial and ongoing eligibility for MA-P. This may be accomplished by providing appropriate verifications of income and asset for the month's eligibility is requested. PEM/BEM 105, 135, 166, 260, 500, 530, 545, and PAM/BAM 115 and 200.

The preponderance of the evidence in the record shows that the department's caseworker correctly requested that claimant provide verifications (June asset and income information) to establish his ongoing eligibility for the months in question. The caseworker originally established a deadline of December 14, 2009 for providing the necessary verifications. However, on December 14, 2009, the caseworker extended the due date for providing the missing verifications to December 21, 2009. Claimant did not provide the required June

verifications on December 21; consequently, the caseworker denied claimant's MA-P application on December 22, 2009 due to claimant's failure to verify required eligibility factors.

A careful review of the record indicates that claimant failed to establish initial eligibility for MA-P, because he failed to verify his eligibility with appropriate asset and income verifications. Therefore, the decision by the local office denied claimant's MA-P application on December 22, 2009 is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P application on December 22, 2009 because claimant failed to verify his eligibility factors by the December 21, 2009 due date.

Therefore, the department's action is, hereby, **AFFIRMED**.

SO ORDERED.

/S/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 3, 2010

Date Mailed: August 4, 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.

JWS/tg

cc:

