

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: 2010-26493
Issue No: 2006; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2010
Muskegon 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 September 22, 2010 in Muskegon. Claimant personally appeared and testified under oath.

The department was represented Kelly Curow (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P/SDA application because claimant failed to verify his eligibility factors by the due date (refused to provide a psychiatric examination requested by MRT)?

FINDINGS OF FACT

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

- (1) Claimant is an MA-P/SDA applicant.
- (2) On September 29, 2009, department received claimant's application.
- (3) On January 16, 2010, the department received an MRT request for psychiatric exam in order to determine claimant's eligibility.
- (4) On January 30, 2010, the department notified claimant of an appointment for a psychiatric examination on [REDACTED], with [REDACTED].
- (5) On [REDACTED] office notified the department that claimant failed to show for his appointment. Claimant did not call the department on February 10, 2010 to explain his absence or to make alternative arrangements.
- (6) On February 18, 2010, the department denied claimant's application due to claimant's failure to provide the requested medical verification (a current psychiatric examination).
- (7) On March 12, 2010, claimant requested a hearing.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R

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 following policies apply to the issues raised by claimant:

VERIFICATIONS

All Programs

All clients must take action within their ability to obtain verifications. DHS staff must assist when necessary. See PAM/BAM 130, PEM/BEM 720, PAM/BAM 105 and PAM/BAM 500.

Current department policy requires that MA-P/SDA applicants cooperate with the local office in determining initial and ongoing eligibility for MA-P/SDA benefits.

This includes completion of the necessary forms, face-to-face meetings, when requested, and verifying all income, assets, and medical disabilities. PAM/BAM 105.

The preponderance of the evidence in the record shows that claimant failed to verify his MA-P/SDA eligibility because he failed to appear for the psychiatric exam, which the department scheduled at the request of the local Medical Review Team.

Since claimant did not submit the required psychiatric examination by the due date, the caseworker correctly denied claimant's MA-P/SDA application.

A careful review of the record reveals no evidence of arbitrary or capricious action by the local office in processing claimant's MA-P/SDA application.

Therefore, the action taken by the department 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 requested a psychiatric examination from claimant to establish his eligibility for MA-P/SDA, as requested by the local Medical Review Team.

Furthermore, the claimant failed to provide the necessary psychiatric evaluation and the department was unable to determine MA-P/SDA eligibility for this reason.

Therefore, the action taken by the department is, hereby, AFFIRMED.

SO ORDERED.

/s/

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

Date Signed: October 13, 2010

Date Mailed: October 13, 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:

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