

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: 2010-29952
Issue No: 2014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 4, 2010
Jackson 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 August 4, 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: MA application (for pregnant woman) on August 25, 2009 denied on November 20, 2009 based on issue above per BAM 105.

(2) On November 9, 2009 a VCL was given to the claimant with a return due-date of November 19, 2009.

(3) On or about one week after November 9, 2009 the claimant's husband submitted her three requested check pay-stubs to the DHS receptionist as requested by the DHS caseworker for August 9 (not the last 30 days).

(4) The caseworker involved in the case was absent from the 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).

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 testified that the absent caseworker, in essence, had authorized an exception to the 30 day look-back rule for income verification; and that her husband timely delivered the verification to the DHS.

The DHS representative testified to the 30 day look-back rule noncompliance by the claimant; and that the receptionist log-book had not been signed during November 9 by the claimant's husband.

The husband testified that he gave the verification to the receptionist and saw her date-stamp the document.

There was no evidence to establish that persons are put on notice by the DHS receptionist to sign a log-book for the submitted verification. The caseworker was absent who could have addressed the exception to the 30 day rule.

This ALJ finds the testimony under oath by the claimant and her husband more trustworthy and reliable than the DHS evidence.

Therefore, based on the preponderance of the evidence of record, verification compliance has been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that verification compliance has been established.

Accordingly, MA (for pregnant woman) denial is REVERSED and reinstatement of the application processing within 10 work days ORDERED.

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

Date Signed: August 10, 2010

Date Mailed: August 10, 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.

2010-39655/WAS

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 [REDACTED]

cc: [REDACTED]