

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: 2010-34786
Issue No: 2012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 30, 2010
Wexford 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 three-way telephone hearing was held on September 30, 2010, in Cadillac. Claimant personally appeared by telephone and testified under oath.

The department was represented by Linda Van Houten (FIM) and Piedad Medina (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application because claimant failed to verify the appraised value of his 1993 Volkswagen Eurovan by the due date, as required?

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 a MA-P applicant with an application dated October 30, 2009.

(2) In support of his application, claimant notified the department that he owned a 1993 VW Eurovan, among other assets.

(3) On November 13, 2009, the caseworker sent claimant a Verification Checklist (DHS-3503) requesting proof of the market value of claimant's VW Eurovan. The due date for providing the requested Eurovan appraisal was November 23, 2009.

(4) On November 23, 2009, claimant failed to provide the requested appraised value for his 1993 Eurovan.

(5) On November 24, 2009, the caseworker denied claimant's MA-P application due to claimant's failure to verify the market value of his 1993 Eurovan for MA-P eligibility purposes.

(6) On February 16, 2010, claimant filed a hearing request.

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 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 and PAM/BAM 150. See also PEM/BEM 500.

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

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

The preponderance of the evidence in the record shows that claimant failed to verify his current asset eligibility for the MA-P when requested by the department in November 2009.

Since claimant did not submit the required appraisal value of his 1993 VW Eurovan, the caseworker correctly decided to deny claimant's MA-P application due to claimant's failure to verify his eligibility.

A careful review of the record reveals no evidence of arbitrary capricious action by the local office in processing claimant's 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 verification of claimant's asset eligibility in November 2009. Furthermore, claimant failed to provide the asset verifications requested the department by the due date.

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 12, 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:

