

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.: 2010-37512
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 28, 2010
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on June 28, 2010. Claimant's authorized representative, [REDACTED], appeared on claimant's behalf.

ISSUE

Did the Department of Human Services (DHS or department) properly deny claimant's application for Medical Assistance (MA) based upon failure to provide verification of eligibility?

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 authorized representative (A.R.) filed an application for MA on claimant's behalf.

- 2) At the time, the practice of claimant's A.R. was to send an employee to the department's out-station office to drop off and pick up documentation on behalf of their clients.
- 3) On October 24, 2009, per usual practice, the departmental worker gave an employee of the A.R. a DHS-3503, Verification Checklist, for claimant's case requesting various items of verification. The verification checklist had a due date of November 5, 2009. (Department Exhibit #1.)
- 4) Thereafter, the departmental worker had telephone contact with another employee of the A.R. regarding the requested verification on claimant's case.
- 5) The departmental worker gave the A.R. several time extensions in which to submit the requested items of verification.
- 6) On February 1, 2010, the department denied claimant's application for benefits based upon failure to submit requested items of verification.
- 7) On March 3, 2010, a hearing request was filed on claimant's behalf by claimant's A.R. to protest the department's negative action.

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).

Relevant departmental policy in this matter is as follows:

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. BEM items specify which factors and under what circumstances verification is required...

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level.

BAM Item 130, p. 1.

Obtaining Verification

Tell the client what verification is required, how to obtain it, and the due date... Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification.

BAM Item 130, p. 2

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit up to three times.

Verifications are considered to be timely if received by the date they are due.

BAM Item 130, p. 4

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed.

Only **adequate** notice is required for an application denial.

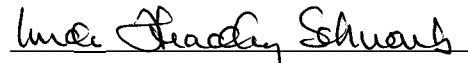
BAM Item 130, p.5

In this matter, the department followed policy. The hearing record supports a finding that the department gave an employee of claimant's A.R. a verification checklist regarding claimant's case on October 24, 2009. Thereafter, the departmental worker had a telephone conversation

with another employee of claimant's A.R. regarding the requested items of verification. Despite several time extensions in which to submit the requested verification, the department did not receive the requested items of verification. Per BAM Item 130, p. 5, the department properly denied claimant's application for benefits based upon failure to provide verification of eligibility. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly denied claimant's application for Medical Assistance based upon failure to provide verification of eligibility. Accordingly, the department's action in this matter is hereby affirmed.


Linda Steadley Schwarz
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 1, 2010

Date Mailed: July 6, 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.

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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.

LSS/pf

cc:

