

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 201042243
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: August 31, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on Tuesday, August 31, 2010. The claimant personally appeared and testified with her attorney, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application because the claimant did not submit the required verifications to determine eligibility?

FINDINGS OF FACT

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

1. On April 26, 2010, the claimant filed an application for MA benefits. (Department Exhibit 2-14)
2. On April 12, 2010, the department sent the claimant a Verification Checklist that was due April 22, 2010 to return the required verifications. This Administrative Law Judge notes that this is dated after the April 26, 2010 application. (Department Exhibit 1)
3. On May 10, 2010, the department caseworker sent the claimant a denial notice stating that for cash assistance that the claimant's income exceeds the limit for the program and for MA that there is no eligible child and the

claimant failed to provide the verifications to verify information necessary to determine program eligibility. (Department Exhibit A, B)

4. On May 18, 2010, the department received a hearing request from the claimant, contesting 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).

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. BAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See BAM 815 and 825 for details. BEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. BAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. BAM, Item 105, p. 8.

This Administrative Law Judge notes that the claimant's application was date stamped April 26, 2010 even though the department caseworker stated in her hearing summary that it was received April 12, 2010. As a result, a Verification Checklist that was mailed April 12, 2010 with verifications that were due April 22, 2010 cannot be used as a basis for a May 10, 2010 denial because the claimant's application was not received by the department until April 26, 2010.

Therefore, the department has not established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verifications.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not appropriately deny the claimant's April 26, 2010 application because the claimant did not provide the required verifications.

Accordingly, the department is **ORDERED** to reprocess the claimant's April 26, 2010 MA application with a new Verification Checklist to the claimant and her attorney.

/s/
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 22, 2010

Date Mailed: November 22, 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 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.

CGF / vc

cc:

