

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

IN THE MATTER OF:



Reg No. 20108015
SOAHR REC. 201043287
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: May 5, 2010
SOAHR Date: July 27, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.911 upon an Order for Reconsideration filed on May 5, 2010. The claimant was represented by [REDACTED], authorized representative, from [REDACTED].

ISSUES

The issue set forth in the original Hearing Decision mailed on June 23, 2010, is hereby incorporated by reference.

Whether the Administrative Law Judge correctly determined that the department properly denied the claimant's Medical Assistance (MA-P) application based upon the fact that the claimant did not provide the required income and asset verifications?

FINDINGS OF FACT

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

1. The Findings of Fact as set forth in the original Hearing Decision mailed on June 23, 2010, are herein incorporated by reference with correction to Finding of Fact #8 should read earned income for November 2008 and unemployment benefits for December 2008.

CONCLUSIONS OF LAW

The Conclusions of Law as set forth in the original Hearing Decision mailed on June 23, 2010, are incorporated be reference.

The claimant's authorized representative, [REDACTED] requested a reconsideration hearing on the basis that this Administrative Law Judge erred for the following reasons that the department caseworker did not receive income verifications information for the months of November 2008 and December 2008. The Verification Checklist, DHS-3503, Department Exhibit 1, that was sent by the department on February 25, 2009, requested income and asset information for the past 30 days. [REDACTED] is contending that they did provide information that was requested including verification of unemployment benefits, Department Exhibit 2, and bank account information, Department Exhibit 3.

This Administrative Law Judge has reviewed the verifications provided in the packet where on the Verification Checklist dated February 25, 2009 with a due date of March 14, 2009, the department asked for a DHS-38, Verification of Employment Income, that was not submitted, and pay stubs for the past 30 days, and bank statements for the past 30 days. The claimant's spouse's unemployment benefits for December 2009 seem to have been submitted in the May 1, 2009 fax from [REDACTED] that verified the claimant's spouse's unemployment income for the month of December 2008 was [REDACTED]. The claimant's spouse received earned income in November 2008 and the department should have received a record of that income through a DHS-38, Verification of Employment Income, to verify when the claimant's employment income stopped.

The submitted records for the unemployment income signed by [REDACTED], Claims Examiner, for unemployment does clearly state that the claimant had zero unemployment income in November 2008. Claimant Exhibit B. The claimant's bank statement for February 19, 2009 to March 27, 2009, Claimant Exhibit B, does not list the name on the account, the bank, or the bank account number, which would not make it sufficient to determine assets because the department caseworker would not know whose account this was. Finally, the claimant or the authorized representative from [REDACTED] did not submit a Verification of Employment Income, DHS-38, which would have verified when the claimant's employment stopped and would have provided verification needed for the month of November 2008.

Therefore, this Administrative Law Judge still finds that neither the claimant nor her authorized representative from [REDACTED] provided the required verifications for the department to determine eligibility for MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Decision and Order as set forth in the original Hearing Decision

mailed on June 23, 2010 is affirmed because the department properly denied the claimant's request for MA because the required verifications to determine eligibility were not provided by the due date.

Accordingly, the department's decision of the denial of the claimant's MA application is once again **AFFIRMED**.

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

Date Signed: October 7, 2010

Date Mailed: October 7, 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

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