

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: 2010-44410
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 15, 2010
Washtenaw 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 September 15, 2010.

ISSUE

Was verification noncompliance 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 termination on February 12, 2010 based on issue above per BAM 210.
- (2) On December 15, 2009 redetermination VCL sent to claimant with a return due date of January 4, 2010.
- (3) On January 4, 2010 all requested verifications were submitted to the DHS.

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, except #3.

The DHS representative testified that he did not receive the claimant's income verification along with the other verifications on January 4, 2010.

The claimant's representative testified that she placed all the required verifications, including the pay stubs, in a brown paper envelope and placed it in the DHS "drop-box."

The DHS representative testified to the delivery process from "drop-box" to him: DHS employee delivers contents of "drop-box" to mail-room for sorting and placement in the appropriate case-workers incoming mail-box. He said the employees involved in this process would not remember handling the verification in question because of the volume of mail.

This ALJ infers and concludes that the verification, in question was lost, misplaced, or misdelivered in the process.

Therefore, this ALJ finds by the preponderance of the evidence of record that non-compliance with verification requirements has not been established.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that verification noncompliance was not established.

Accordingly, MA termination REVERSED, and reinstatement of case within 10 work days ORDERED.

/s/

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

Date Signed: September 27, 2010

Date Mailed: September 28, 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.

WAS [REDACTED]

cc: [REDACTED]