

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.: 2010-5068
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 9, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, June 9, 2010. The Claimant did not appear. The Claimant's authorized hearing representative, [REDACTED], appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's October 30, 2008 Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. In October 2008, the Claimant/Representative submitted a public assistance application seeking MA-P benefits. (Exhibit 1, pp. 3 – 10, 14 – 50)

2. On May 5, 2009, the Medical Review Team approved the Claimant for MA-P and State Disability Assistance (“SDA”). (Exhibit 1, pp. 51, 52)
3. On May 12, 2009, the Department sent a verification checklist to the Claimant/Representative requesting the information be submitted by March 23, 2009. (Exhibit 1, p. 55)
4. The Department extended the due date three times. (Exhibit 1, p. 55, 57 – 60)
5. On May 8, 2009, the Department sent a another verification checklist to the Claimant/Representative specifically requesting proof of the Claimant’s Social Security application be submitted by May 18, 2009.
6. On May 18, 2009, the Representative requested an extension stating that it was waiting for the verification. (Exhibit 1, pp. 1, 12, 56; Exhibit 2)
7. On May 19, 2009, the Department denied the Claimant’s application based on the failure to submit the requested verification(s). (Exhibit 1, p. 54)
8. On August 17, 2009, the Department received the Claimant’s written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Departmental policies are found in the Program (Bridges) Administrative Manual (“PAM”), the Program (Bridges) Eligibility Manual (“PEM”), and the Program (Bridges) Reference Manual (“PRM”).

A request for public assistance may be in person, by mail, telephone or by an internet application. PAM 110 Clients must complete and sign public assistance applications. PAM 115

An application is incomplete until enough information is provided to determine eligibility. PAM 115 Registered applications must contain, at a minimum, the name, birth date, and address of the applicant, along with the signature of the applicant or authorized representative. PAM 105 Retro-MA coverage is available back to the first day of the third calendar month prior to the application date. PAM 115 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. PAM 130 If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. PAM 130 Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If a client cannot provide the verification, despite reasonable effort, an extension should be granted at least once. PAM 130 [May 2009] A negative action notice is sent when the client refuses to provide a verification **or** the time period given has elapsed. PAM 130

In this case, the Claimant submitted a MA application in October 2008. The Department sent the Claimant/Representative a verification checklist as required. The Department extended the due date for the verifications on three occasions. Subsequently, on May 8, 2009, the Department sent another verification checklist to the Claimant/Representative requesting proof of the Claimant's Social Security application be submitted by May 18, 2009. On May 18, 2009, the Claimant/Representative requested an extension. Policy in effect at the time provided that an extension should be granted at least once if, despite reasonable effort, the verification was not obtained. In this case, there was no evidence that the Claimant was not making a reasonable

effort to provide the requested verification or had otherwise refused to cooperate. Instead, the extension was denied and the application was denied the following day. Under these facts it is found that the Department's denial of the application is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's denial of the MA application is not upheld.

Accordingly it is ORDERED:

1. The Department shall re-register and process the Claimant's October 30, 2008 application and notify the Claimant and the representative of the determination in accordance with department policy.
2. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/15/2010

Date Mailed: 6/15/2010

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.

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