

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: 2010-74
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 14, 2010
Kalkaska 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 claimant's request for a hearing. After due notice, a three-way telephone hearing was held on Wednesday, April 14, 2010. The claimant was not present, but was represented by her public guardian, [REDACTED], and authorized representative, [REDACTED].

ISSUE

Did the department properly deny the claimant's application because the required verification to determine Medical Assistance (MA) eligibility was not provided?

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 May 21, 2009, the claimant applied for MA benefits in Kalkaska County that was received in Manistee County on July 15, 2009. (Department Exhibit 8-12) The retroactive MA application for February 2009, March 2009, and April 2009 was not signed.

(2) On July 22, 2009, the department caseworker sent the claimant's public guardian a notice that a Verification Checklist, DHS-3503, that was due August 3, 2009 for the claimant's public guardian to provide the required information to determine MA eligibility. (Department Exhibit 15)

(3) On July 29, 2009, the department caseworker received some of the requested verification, but the missing bank verification, a signed retroactive MA application, and a complete copy of the annuity was still not submitted.

(4) On August 5, 2009, the department caseworker denied the claimant's case for failure to provide the required verification to determine MA eligibility.

(5) During the hearing, the department caseworker stated that MA was approved for May 1, 2009 forward. The department stated that they could not approve retroactive MA for February, March, and April 2009 because there was no signed application, missing bank verification, and no copy of the annuity cash surrender value.

(6) During the hearing, the claimant's public guardian stated that she did not request an extension.

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. PAM, 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. PAM, 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 PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

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

Verifications

All Programs

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

In the instant case, the claimant applied for benefits on May 21, 2009 with a retroactive application to February 2009. The claimant's retroactive MA application was not signed and even after the Verification Checklist was submitted July 22, 2009 the retroactive application was not signed by the due date of August 3, 2009. Although some verification was returned July 29, 2009, the claimant's application was still missing the signed retroactive application, a copy of the cash surrender value of the annuity, and the bank account verifications were still missing. As a result, the department caseworker denied the claimant's application for MA on August 5, 2009. Subsequently, the claimant was approved for MA from May 1, 2009 forward.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant or her public guardian failed to provide the required verification to determine MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's MA application because the claimant or her public guardian did not provide the required verification to determine MA eligibility.

Accordingly, the department's decision is **AFFIRMED**.

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

Date Signed: May 25, 2010

Date Mailed: May 26, 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:



