

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. 20109097
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 30, 2010
Jackson 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 Wednesday, June 30, 2010. The claimant was not present, but was represented by his attorney [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application based upon the fact that the claimant did not provide the required verification?

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 June 11, 2009, the claimant's attorney applied for MA on his behalf.
2. On August 13, 2009, the department caseworker sent out a Verification Checklist, DHS-3503, that was due August 24, 2009 for the claimant and/or his representative to provide the required verification to determine eligibility. Department Exhibit 1.
3. Subsequently, an extension request was received and granted to September 1, 2009. Department Exhibit 1.

4. On October 6, 2009, the department caseworker denied the claimant's application because the required verification of the claimant's pension was not returned and a determination of eligibility could not be determined without it.
5. On October 23, 2009, the department received a hearing request from the claimant's attorney, contesting the department's negative action.
6. During the hearing, the claimant's attorney stated that the claimant's daughter has power of attorney where the attorney was hired by the nursing home in March 2009 and that the claimant subsequently applied in November 2009.
7. During the hearing, the department caseworker stated that a second extension was not requested past September 1, 2009 and the case was not denied until October 6, 2009.
8. This Administrative Law Judge notes that the hearing was held on June 30, 2010 and the record was left open for a copy of the attorney appearance letter and a power of attorney granting the claimant's daughter authority to represent; both documents were not received. In addition, the Administrative Law Judge requested the attorney to submit in writing what steps they took to assist the claimant's daughter in getting the verification of the claimant's [REDACTED] employee pension, which was also not received.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The department's program eligibility manuals provide the following relevant policy statements and instructions for caseworkers:

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's attorney applied for benefits for the claimant on June 11, 2009 without requesting retroactive benefits. A Verification Checklist was mailed out to the claimant on August 13, 2009 with a due date of August 23, 2009. The time limit was subsequently extended at the request of the attorney to September 1, 2009. The department was missing the written verification of pension that the claimant receives as retiring from the [REDACTED]. Based on policy, the department caseworker could not accept the automatic bank deposit from the claimant's bank statement, but required a written verification of the claimant's pension amount from the [REDACTED].

During the hearing, the claimant's attorney said that the claimant's daughter had a difficult time getting the information when she called. However, the claimant's attorney was not sure exactly what steps the claimant's daughter went through to try and get the information and what assistance the claimant's attorney provided. The claimant was given an extension to September 1, 2009. The department caseworker did not close the case until October 6, 2009, in essence giving significant additional time to provide the required verification. On October 6, 2009 when the additional information was not received, the department caseworker denied the claimant's application.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant, the claimant's daughter who has power of attorney, and/or the claimant's attorney failed to provide the required verification.

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 required verification to determine eligibility was not received.

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

/s/

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

Date Signed: August 25, 2010

Date Mailed: August 25, 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:

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