

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: 2010-10568
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 6, 2010
Jackson 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 July 6, 2010.

ISSUE

Was verification compliance 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 application on December 29, 2008, was denied on February 2, 2008 based on issue above per BEM 105.
- (2) On January 20, 2009, the DHS sent a verification check-list to claimant/L&S with a returned due-date of January 30, 2009; verifications were not submitted.
- (3) The DHS used a 15 year procedure for mailing the verification check-list to L&S/claimant; L&S admitted that the addresses used by DHS were correct.

(4) The mailings above were never returned to the DHS as undeliverable by the US postal authority.

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.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information. PAM, Item 105, p. 5.

The L&S representative, in the absence of the claimant, testified that L&S did not receive the DHS mailing on or about January 20, 2009, with the verification check-list. He started his employment with L&S in August, 2009 and was not employed at L&S when the verification check-list was mailed to L&S.

L&S offered no proof to support its conclusion of non receipt of the mailing in question other than an unsupportive conclusion.

This ALJ finds the 15 year DHS mailing process more trustworthy and reliable than the unsupportive conclusion by the L&S representative who was not present or employed by L&S at the time of notice receipt by L&S.

DECISION AND ORDER

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

Accordingly, MA denial is UPHELD.

/s/

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

Date Signed: July 13, 2010

Date Mailed: July 14, 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]