

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.: 2010-11645

Issue No.: 2006

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 1, 2010

Wayne County DHS (82)

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 received by the Department on March 10, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, February 1, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department acted in accordance with department policy when it denied the Claimant's 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. On June 23, 2009, the Claimant submitted an application for public assistance seeking MA-P benefits.

2. On July 16, 2009, the Department sent verification checklists to the Claimant requesting (in part) income and employment verification be submitted by July 27, 2009. (Exhibit 2)
3. The Department instructed the Claimant to submit employment check stubs if she was unable to obtain a completed employment verification from her employer. (Exhibit 2)
4. The July 27, 2009 due date was extended until August 7, 2009.
5. Prior to August 7, 2009, the Claimant submitted pay stubs for June 2009 as well as a letter from her employer providing that due to reduced funding the Claimant was discharged. (Exhibit 2)
6. On August 28, 2009, the Department mailed an Eligibility Notice to the Claimant informing her that due to the employer's failure to submit an employment verification the Claimant was found ineligible for MA-P benefits. (Exhibit 1)
7. On October 15, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

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 pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administration Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Policy Glossary ("BPG").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105/BAM 105 If a client refuses to cooperate in the application process, a denial notice is sent within the standard of promptness. PAM 115/BAM 115 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130/BAM 130 The client must obtain the required verification, however, the Department must assist if needed and/or requested. *Id.* If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. *Id.* Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. *Id.* For MA purposes, if the client cannot provide the verification, despite reasonable effort, an extension should be granted up to three times. PAM 130 [effective for August 2009] A negative action notice is sent when the client refuses to provide a verification **or** the time period given has elapsed. PAM 130/BAM 130 Documentation submitted after the close of regular business hours is considered to be received the next business day. PAM 130/BAM 130

In this case, the Claimant's initial July 27, 2007 verification due date was extended until August 7, 2009. On the Verification of Employment, the Department instructed the Claimant to submit all pay stubs for June and July of 2009 if the Claimant's employer would not complete/submit the form. Prior to the due date, the Claimant provided to the Department her June 2009 pay stubs along with a letter from her employer stating that due to a lack of funding, the Claimant was laid off. There was no communication between the Department and the Claimant that the submitted documentation was insufficient nor was there any evidence that the Claimant had refused to cooperate. On August 28, 2009, the Claimant's MA application was denied based upon the employer's failure to complete and submit the Employment Verification.

Subsequent to the denial, the Department acknowledged the denial was incorrect but determined that due to other reasons; the application would not be reprocessed. Under this scenario, it is found that the Department failed to establish that it acted in accordance with department policy when it denied the Claimant's MA application on August 28, 2009. Accordingly, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's August 28, 2009 MA denial is not upheld.

Accordingly, it is ORDERED:

1. The Department's denial of the Claimant's application is REVERSED.
2. The Department shall re-open and process the Claimant's June 23, 2009 application in accordance with department policy.
3. The Department shall notify the Claimant and her attorney in writing of the determination in accordance with department policy.
4. The Department shall supplement for any lost benefits (if any) the Claimant was entitled to receive if otherwise eligible and qualified.

Colleen M. Mamelka

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

Date Signed: 3/01/2010

Date Mailed: 3/01/2010

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

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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.

CMM/jlg

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