

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201013426

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 1, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on September 1, 2010.

ISSUE

Was the claimant's Medicaid application properly denied for a failure to attend an interview?

FINDINGS OF FACT

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

- (1) Claimant applied for MA in Wayne County on March 18, 2009.
- (2) Claimant was scheduled for an in-person interview with DHS on June 1, 2009 at 8:30am.
- (3) No testimony could be presented as to whether this notice was actually sent.
- (4) Claimant did not attend the interview, and did not turn in verifications.

- (5) No evidence was presented that claimant's Authorized Representative received notice of the interview or was sent a request for verifications.
- (6) In-person interviews are not a condition of eligibility for the MA program.
- (7) On June 2, 2009, claimant's MA application was denied for failing to attend the interview or return verifications.
- (8) On September 2, 2009, claimant filed a request for hearing.
- (9) Claimant was represented at hearing by [REDACTED]

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) and Reference Tables (RFT).

This hearing request stems from an action that was taken while the Department was still using the Program Reference Manuals and not the Bridges system; therefore, the undersigned shall evaluate the case under the standards that were in place at the time.

An application is considered incomplete until it contains enough information to determine eligibility. PAM 115. Eligibility is determined through a claimant's verbal and written statements; however, verification is required to establish the accuracy of a claimant's verbal and written statements. Verification must be obtained when required by policy, or when information regarding an eligibility factor is incomplete, inconsistent,

or contradictory. An application that remains incomplete may be denied. PAM 130. In-person interviews are not a condition of eligibility for the MA program. PAM 115.

In the current case, the Department contends that claimant did not attend an in-person interview, as required by policy, or return required medical verifications.

Therefore, claimant's application was denied.

The undersigned notes that PAM 115 specifically prohibits requiring an in-person interview for the purpose of MA eligibility. Therefore, if the Department denied claimant's MA application because she did not attend an in-person interview, the Department was automatically in error, as it had no basis to require that interview in the first place. However, the undersigned notes that the DHS-1150 also states that claimant failed to provide the required medical verifications; as such, an evaluation of whether the Department properly denied claimant's application for this failure will be performed.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

However, at the hearing no evidence was presented that the notice of interview or a request for verifications was ever sent. The only notice of interview in the evidence packet is an internal memo, as testified to by the Department representative. This memo, while using language ostensibly addressed to the claimant, contains no address or information that could be used to create the presumption of receipt. The memo was presented to show that an interview was scheduled and verifications were requested; however, while the undersigned has no doubt that an interview was scheduled, there continues to be some confusion as to whether the claimant was ever notified of that

interview. Furthermore, no verification request was ever presented or was shown to be mailed. While this memo contains a list of verifications that the claimant should bring, there is no evidence that it was mailed. The Department representative was unable to testify as to whether the memo had been mailed.

More importantly, there is no evidence that this letter, or the subsequent denial, was mailed to the claimant's representatives. As stated previously, the memo does not contain a mailing address that could be used to show proper mailing. The notification of case action does not show that it was mailed to claimant's representative. Given that claimant's representative was a proper authorized representative, claimant's representative was entitled to receive a copy of all correspondence that was directed to the claimant. PAM 110. There was no evidence presented to show that claimant's representative was ever given a copy of these documents.

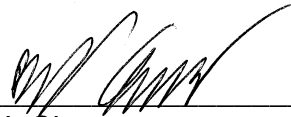
Therefore, as there is no evidence that claimant was ever mailed a copy of the interview and verification requirements, and there is no evidence that claimant's representative was ever given a copy of the verification requirements, the undersigned must hold that the Department did not adequately notify the claimant or the claimant's representatives of the need for verifications. Furthermore, claimant was not required to attend an in-person interview. The Department therefore was in error, and must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's MA application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is ORDERED to process claimant's MA application retroactively to the date of application.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/09/10

Date Mailed: 09/13/10

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.

RJC/dj

cc:

