

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

IN THE MATTER OF:



Reg. No: 2010-23303
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2010
Genesee County DHS, #02

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 October 27, 2010.

ISSUE

Was good cause for verification noncompliance 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 April 13, 2009 denied August 14, 2009 based on non-compliance of verification requirements per BAM 105.
- (2) VCL sent to claimant June 29, 2009 with a due-back by July 9, 2009; it was not received back.

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.

Good cause—a circumstance which is considered a valid reason for not complying with a requirement. PRG Glossary, page 15.

The claimant testified that he did not receive the verification notice mentioned above at his mailing address.

The DHS representative testified to the DHS Central Office mailing procedure, but could not establish whether or not the envelope in question was complete with US postage thereon. If it was complete, this Administrative Law Judge can only incur and conclude that there was a missed delivery, misplacement, or loss of the envelope in question by the US Postal authority.

Therefore, this Administrative Law Judge finds good cause for non-compliance with timely verification requirements established by the preponderance of the evidence of record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that good cause for verification noncompliance was established.

Medicaid denial is **REVERSED**. The reprocessing of the application within 10 work days **ORDERED**.

NOTE: The DHS was instructed to give the claimant a written verification request and return due date before leaving the hearing room.

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

Date Signed: November 8, 2010

Date Mailed: November 9, 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.

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