

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: 2010-39655
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2010
Washtenaw 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 28, 2010.

ISSUE

Was a verification check-list received by the claimant?

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: SDA application on December 18, 2009, denied on January 27, 2010 based on verification noncompliance per BAM 130.
- (2) On January 15, 2010, the DHS representative concluded that a verification check-list was sent to the claimant by "bridges" with a return due-date of January 25, 2010; verifications were not submitted by the due-date.

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 claimant testified under oath that he doesn't believe he received the mail verification check-list from the DHS.

The DHS representative concluded that the claimant received the mailing from "bridges." The representative introduced no competent evidence to establish how the "bridge" process issues accurate information by mail.

This ALJ finds the testimony of the claimant under oath more trustworthy and reliable than the conclusion by the DHS representative.

Therefore, this ALJ is not persuaded by the evidence of record that the claimant received the verification in question.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that a verification check-list was not received by the claimant.

Accordingly, SDA denial is REVERSED and reinstatement and processing of application in accordance with DHS policy requirements within 10 work days ORDERED.

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

Date Signed: August 3, 2010

Date Mailed: August 4, 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]