

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.: 2010-4606

Issue No.: 2005

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

January 6, 2010

Wayne County DHS (57)

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 a hearing. After due notice, a hearing was conducted from Detroit, Michigan on Wednesday, January 6, 2010. The Claimant did not appear. The Claimant's authorized representative, [REDACTED] of [REDACTED] [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department followed policy when it determined the Claimant was ineligible for Medical Assistance ("MA-P") based on the failure to return requested verifications?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA-P, with retroactive benefits for November 2006, on January 8, 2007.

2. On May 1, 2009, as a result of an administrative hearing, the Claimant was found to be disabled. (Exhibit 1)
3. On May 8, 2009, the Department sent a Verification Checklist to the Claimant and her authorized representative requesting proof of citizenship and verification of a pending SSI application. (Exhibits 2, 3)
4. The verification due date was extended to June 15, 2009. (Exhibit 2)
5. No verifications were submitted.
6. On August 20, 2009, the Department received the Claimant's written request for hearing protesting the failure to activate coverage.

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"), formally 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"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. PAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. PAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. PAM 130 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended up to three times. PAM 130

To be eligible for full MA coverage, a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. PEM 225 citizenship must be verified with an acceptable document to receive Medicaid. PEM 225 Primary evidence of citizenship is documentary evidence of the highest reliability that conclusively establishes that a person is a U.S. citizen. PEM 225 Secondary evidence includes, but is not limited to, a U.S. public birth record showing birth in on of the 50 United States. PEM 225

In addition to the citizenship verification, MA eligibility also requires verification that an SSI benefits are being pursued. PEM 270 Refusal to pursue a potential benefit results in ineligibility. PEM 270

In the record presented, the Department failed to send the Claimant and her authorized representative a written denial notice. The authorized representative waived his right to formal written notification in order to address the underlying issue. The issue is whether the Claimant was ineligible for benefits based on the failure to submit requested verifications. It should be noted that neither the authorized representative nor the Department has had any contact and/or communication with the Claimant. The Notice of Hearing was returned as returned as undeliverable due to the property of record being vacant with no forwarding address. Currently the Department is able to confirm citizenship via access to the birth registry. The Claimant filed an application for Social Security Income (“SSI”) on August 30, 1994. Currently, and during the time of application, there was not a pending SSI application. The authorized representative’s position that pursuit of SSI benefits does not apply to retroactive MA-P is inaccurate. Eligibility is determined prior to the payment of Medicaid benefits. Under this scenario, when requested verifications are not received within the allotted time period and when and when SSI benefits are not pursued, the Department’s determination of ineligibility is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's determination of ineligibility is upheld.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: 2/02/2010

Date Mailed: 2/02/2010

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 60 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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