

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: 2010-6268  
Issue No: 2006  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 29, 2010  
Kalamazoo 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 April 29, 2010.

ISSUE

Was verification compliance 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 February 11, 2009 denied on March 2, 2009 based on verification noncompliance per BEM 105.
- (2) On February 17, 2009, the DHS sent L&S/claimant a verification with a return due-date of March 1, 2009; it was not received by the DHS.

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 L&S representative testified that it did not receive the mailing of the verification check-list on February 11, 2009. He would not have had personal knowledge of whether or not the mailing arrived on that date because he started his employment with L&S on June 1, 2009.

The DHS representative testified a mailing process used on February 11, 2009: he prepared the check-list and placed it in two envelopes-----One for L&S to the attention of a specific L&S representative and one for the claimant's last known address, placed the envelopes in a pick-up location for transfer to the mail-room for US postage metering stamping, and transfer to US postal authority for delivery to L&S/claimant; that if an envelope is returned by the US postal authority is undeliverable, it is returned to him for filing; and that the envelope was never a returned as undeliverable.

The L&S representative testified that the DHS used the correct mailing address for L&S at the time. L&S never introduced testimony of a specific employee mentioned above regarding the check-list mailing to L&S.

This ALJ finds the mailing process used by the DHS more trustworthy and reliable than the conclusion by the L&S representative, and finds that L&S did not comply timely verification requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that verification compliance was not established.

Accordingly, MA denial is UPHELD.

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

Date Signed: August 4, 2010

Date Mailed: August 6, 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]