

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: 2010-8015
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, May 5, 2010. The claimant personally appeared and testified with her authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA-P) application based upon the fact that the claimant did not provide the required income and asset verifications?

FINDINGS OF FACT

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

(1) On February 25, 2009, the claimant applied for MA-P with retroactive coverage to November 2008. (Department Exhibit 1-16, B5-10)

(2) On February 25, 2009, the department caseworker sent the claimant and her authorized representative a Verification Checklist, DHS-3503, to provide the required income and asset verifications to determine MA-P eligibility that was due March 14, 2009.

(Department Exhibit 2)

(3) On March 13, 2009, [REDACTED]. faxed an extension request based on the checklist that was due on March 14, 2009, which was approved to March 24, 2009 by the department caseworker. (Department Exhibit 17)

(4) On March 23, 2009, [REDACTED]. asked for more time which the department caseworker gave with a new due date of April 3, 2009. (Department Exhibit 18-19)

(5) On April 13, 2009, [REDACTED]. faxed another extension request requesting a due date of April 23, 2009, which the department caseworker approved.

(Department Exhibit 20)

(6) On April 22, 2009, [REDACTED]. again asked for an extension to May 3, 2009, which the department caseworker approved.

(7) On May 1, 2009, [REDACTED]. faxed some verifications to the department caseworker.

(8) On June 8, 2009, the department caseworker denied the claimant's February 25, 2009 MA-P application with retroactive to November 2008 because the claimant's checking account, earned income for November 2009, and unemployment benefits for [REDACTED] was not received. (Department Exhibit C11)

(9) On September 18, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

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).

The department's program eligibility manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

In the instant case, the claimant had an application that was filed February 25, 2009 with retroactive benefits to November 2008. The first Verification Checklist was sent to the claimant and her authorized representative, [REDACTED] on February 25, 2009 with a due date of March 14, 2009. The department subsequently gave the following extensions, March 13, 2009, March 23, 2009, April 3, 2009, April 13, 2009, and April 27, 2009. On May 1, 2009 was the last fax from [REDACTED]. with some of the required verifications.

The department caseworker testified during the hearing that the claimant's checking account, earned income from November 2009, and unemployment benefits for [REDACTED] was not verified. Therefore, eligibility for MA-P could not be ascertained.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant and her authorized representative failed to provide the required income and asset verifications to determine MA-P eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's February 25, 2009 MA-P application with retroactive benefits to November 2008 because the claimant and her authorized representative failed to provide the required asset and income information to determine eligibility.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 23, 2010

Date Mailed: June 23, 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.

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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.

CGF/vc

cc:

