

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

IN THE MATTER OF:



Reg No. 20108509
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 2, 2010
Jackson 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, June 2, 2010. The claimant was not present, but was represented by her daughter, guardian, and power of attorney, [REDACTED].

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA) application based upon the fact that the claimant did not provide the required verification?

FINDINGS OF FACT

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

1. In November 2008, the claimant entered a nursing home.
2. On May 29, 2009, the claimant's daughter, power of attorney, and guardian applied for benefits on behalf of the claimant.
3. On June 23, 2009, the department caseworker sent the claimant a Verification Checklist, DHS-3503, to provide written verification to determine MA eligibility that was due July 6, 2009.

4. Subsequently, the claimant's daughter/power of attorney/guardian called to request an extension because she could not get the required verifications of the value and type of ownership of the claimant's mineral rights by the due date. Whereby, the department caseworker gave the claimant a four-week extension to August 3, 2009 to provide the verifications needed to make a determination and another extension was not requested by the claimant's authorized representative.
5. On August 17, 2009, the department denied the claimant's application because no verifications were provided by the due date of August 3, 2009.
6. On August 26, 2009, the department received a hearing request from the claimant's daughter/power of attorney/guardian, contesting the department's negative action.
7. During the hearing, the department caseworker stated that the department could not determine eligibility without the information provided of the value of the mineral rights and the type of ownership.
8. During the hearing, the claimant's daughter/power of attorney/guardian stated that she didn't understand that it was a hard extension where the case would be denied.

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 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's daughter/power of attorney/guardian filed an application for the claimant on May 29, 2009. The department caseworker sent the claimant's daughter/power of attorney/guardian a Verification Checklist dated June 23, 2009 for the claimant's daughter/power of attorney/guardian to provide written documentation of assets by July 6, 2009. Subsequently, the claimant's daughter asked for an extension which was granted resulting in a new due date four weeks later of August 3, 2009.

The department caseworker denied the claimant's case on August 17, 2009 because the written verification was not provided by the due date of August 3, 2009. During the hearing, the claimant's daughter/power of attorney/guardian stated that she did not understand that the date was a hard extension. She stated that she had been trying to get what the department required and had written several letters and called, but had not received the required information by the due date. The claimant's daughter did not ask the department caseworker for another extension. Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant's daughter failed to provide the required verification in the requested time period. The claimant's daughter may reapply for MA benefits on behalf of her mother.

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 MA application because the claimant's daughter who has power of attorney/guardianship did not provide the required asset verifications.

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

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

Date Signed: July 27, 2010

Date Mailed: July 27, 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 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:

