

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

IN THE MATTER OF:

[REDACTED]

Reg No. 20109089
Issue No. 2006; 4003
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 30, 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 3-way telephone hearing was held on Wednesday, June 30, 2010. The claimant was not present, but was represented by his authorized representative, [REDACTED] from [REDACTED].

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA-P), retroactive Medical Assistance, and State Disability Assistance (SDA) 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 a material fact:

1. On March 5, 2009, the claimant applied for MA-P and SDA with retroactive MA-P to February 2009. Department Exhibit 1-2.
2. On March 6, 2009, the department caseworker sent the claimant a Verification Checklist, DHS-3503, that was due March 16, 2009 to provide the required verification to determine eligibility. Department Exhibit 3.
3. Subsequently, the department caseworker extended to March 26, 2009 to provide the required verification. Department Exhibit 3.

4. On March 25, 2009, [REDACTED] applied for MA-P, retroactive MA-P, and SDA on behalf of the claimant.
5. On April 22, 2009, the department caseworker documented in the case file that she spoke to an employee, [REDACTED], who stated that [REDACTED] would not help the claimant if he applied on his own and requested the department caseworker withdraw the application from [REDACTED]. Department Exhibit A-C.
6. On April 24, 2009, the department caseworker sent out a denial notice that the claimant's case was denied because he failed to provide the required verification. Department Exhibit 4-7.
7. On October 28, 2009, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.
8. During the hearing, the [REDACTED] authorized representative stated that the employee, [REDACTED], cited in the case record was no longer employed at [REDACTED].
9. During the hearing, the department caseworker stated that she sent out a manual denial at the request of the [REDACTED] worker [REDACTED], and the required verifications were not submitted by the claimant.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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).

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 applied on March 5, 2009 and [REDACTED] also filed an application on March 25, 2009. The Verification Checklist was sent out on March 6, 2009 that was due March 16, 2009. A subsequent extension was granted to March 26, 2009.

On April 22, 2009, the department caseworker spoke to [REDACTED] who worked at [REDACTED]. [REDACTED] who stated that she wanted to withdraw the application from [REDACTED] since the claimant applied on his own.

Therefore, the department has established that it was acting in compliance with department policy by determining that the claimant failed to provide the required verification and his authorized representative subsequently withdrew their application.

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 application for MA-P application because the claimant did not provide the required verification and that the claimant's authorized representative withdrew their subsequent application.

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

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

Date Signed: August 25, 2010

Date Mailed: August 25, 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.

20109089/CGF

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:

