

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201116123  
Issue No: 2006  
Case No: [REDACTED]  
Hearing Date: April 28, 2011  
Kent 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on April 28, 2011. The claimant appeared and testified.

**ISSUE**

Was noncompliance with verification requirements established?

**FINDINGS OF FACT**

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

- (1) The DHS has a step-by-step process coordinated with the central office in Lansing that automatically sends notices to MA recipients notifying them of their redetermination review; the names and addresses of recipients are entered into the computer for future dates so that notices are automatically generated and issued; and that proof of issuance is by a copy of a notice on form DHS-1010.
- (2) On [REDACTED], the DHS sent the claimant a redetermination packet with a due date of July 1, 2010; it was not received.

The notice was sent by the Central DHS Office in Lansing with a copy of notice sent available for local offices; the notice sent (Department Exhibit 1)

matches the claimant's name and address and redetermination information requested by [REDACTED]; that when a notice is returned by the U.S. Postal Authority as undeliverable, it is placed in a recipients' file; and that the claimant's file was searched and the notice was not herein.

- (3) On September 17, 2010, the DHS terminated the claimant's MA with a hearing request on November 16, 2010.

### **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 facts above are undisputed:

#### **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. BAM, Item 105, p. 5.

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. BAM, Item 105, p. 5.

The claimant claims that he did not receive the notice in question and that he relies on his son to take care of such matters. On the other hand, the DHS' procedure has been in use for quite some time. The notice that was issued from central office matches the claimant's name, his address, the information requested, and the due date. Also, the notice was never returned to the DHS as undeliverable by the U.S. Postal Authority.

This ALJ finds the mailing procedure used by the DHS more trustworthy and reliable than the statement by the claimant that he did not receive the notice.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that noncompliance with verification requirements was established.

Accordingly, MA termination is UPHELD.

/s/

William Sundquist  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: May 16, 2011

Date Mailed: May 16, 2011

**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/ar

cc:

