

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No. 2011-36634
Issue No. 2006
Case No. [REDACTED]
Hearing Date: August 11, 2011
Ingham 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, an In Person hearing was held on August 11, 2011.

ISSUE

Was claimant entitled to a verification extension?

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 March 28, 2011, the DHS sent the claimant a VCL with a return due-date of April 7, 2011.
2. On March 28, 2011, the claimant phoned her caseworker and left a voice message regarding a requested verification extension regarding her paystubs.
3. On April 11, the DHS terminated the claimant's Medicaid based on noncompliance with verification requirements per BAM 130.
4. The caseworker said that on March 28, 2011, she does not recall the claimant's voice-message, and was not keeping any records or log sheets regarding incoming phone messages until recently.

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 claimant testified that on March 28, 2011 she left a voice-message with her caseworker for a verification extension.

The caseworker testified that she always returns voice-messages; that she did not keep records, at that time, of incoming voice-messages; and that now she keeps records.

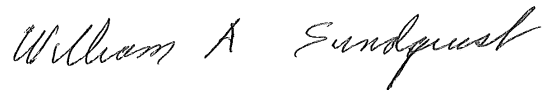
This ALJ finds the claimant's testimony more trustworthy and reliable than the nonrecord keeping by the caseworker; and that the claimant should have been considered for a verification extension.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant was entitled to verification extension consideration.

Accordingly, Medicaid denial is REVERSED and verification extension consideration ORDERED.

Reinstatement of Medicaid based on a timely hearing request was agreed upon by the DHS.



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

Date Signed: August 22, 2011

Date Mailed: August 22, 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 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.

WAS/tg

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