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

IN THE MATTER OF:



Reg. No:20115697Issue No:2006Case No:1000Hearing Date:April 27, 2011Clinton 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 27, 2011. The claimant appeared and testified.

ISSUE

Was DHS required to mail the L&S/claimant DHS-2168, claimant good cause, at time of receipt of mail-in MA application?

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 disqualification for failure to cooperate with the OCS.
- (2) On July 15, 2010, L&S applied for MA by mail-in on behalf of the claimant, was denied on July 22, 2010, per BEM 255, and requested a hearing on October 20, 2010.
- (3) On July 22, 2010, L&S/claimant were notified by mail that you must contact Katie Demapolis at 866-661-0005, ext. 6-0558 (OSC); that you or a group member failed to cooperate in establishing paternity for securing child support. Call your specialist if the non-cooperating person wishes to

cooperate or has good cause not to cooperate, per BEM 255 (DHS exhibits 24, 25, 27, and 28).

(4) L&S expected the claimant to appear at the hearing; the hearing was delayed a half hour at L&S' request for the claimant's appearance; and she did not appear.

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:

BEM 255, page 2, pertinent part, states:

Inform the individual of the right to claim good cause by giving them a DHS-2168, claim of good cause, at application.

The application was mailed to the DHS. L&S/claimant were not present to receive the above DHS/2168.

L&S argued that the DHS should have mailed the form to L&S/claimant. But, L&S did not provide DHS policy to support its claim.

The DHS attempted, anyway, to reach L&S/claimant by an alternative means. It mailed them the above-mentioned notices to contact the OCS regarding who to contact by phone number regarding cooperation and child support requirements.

All L&S/claimant had to do was to pick-up the phone and cooperate.

The claimant did not cooperate with L&S by not appearing for the hearing.

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.

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. BAM, Item 105, p. 5.

The objective evidence of record establishes the claimant's noncooperation by not cooperating with the DHS in the removal of her child support disqualification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that DHS requirement to mail DHS-2168 to L&S/claimant after receipt of a mail-in application was not established.

Accordingly, MA denial is UPHELD.

/s/

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

Date Signed: <u>May 16, 2011</u> Date Mailed: <u>May 16, 2011</u>

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

20115697/WAS

