

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20118061
Issue No: 2006
Case No: [REDACTED]
Hearing Date: March 16, 2011
Genesee 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. The claimant appeared and testified.

ISSUE

Was good cause established for non-compliance with timely verification requirements?

FINDINGS OF FACT

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

- (1) Claimant applied for MA on November 13, 2009, was denied on July 26, 2010, per BAM 130 with hearing requested October 25, 2010.
- (2) On [REDACTED], the Claimant died.
- (3) On May 20, 2010, the VCL was sent to the Claimant/L&S with a return-due date of June 1, 2010.
- (4) L&S had complied with requested verifications except for insurance information.

- (5) Five time-limit extensions were given to L&S ending on 7-26-10; during this period L&S obtained letters of authority from the probate court and thereafter, kept the DHS apprised of the difficulty in obtaining the insurance verification.

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:

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. PAM, Item 105, Page 5.

Good cause-----A circumstance which is considered a valid reason for not complying with a requirement. PGR Glossary, Page 15.

The undisputed facts above establish that it was beyond the control of L&S to comply with timely verification requirements. Therefore, good cause was established for the untimely submission of required verifications.

DECISION AND ORDER

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

Accordingly, MA denial is REVERSED, and reinstatement of application process within 10 work days is ORDERED.

/s/

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

Date Signed: May 9, 2011

Date Mailed: May 9, 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:

[REDACTED]