

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

IN THE MATTER OF:



Reg. No: 201111633
Issue No: [REDACTED]
Case No: [REDACTED]
Hearing Date
March 22, 2011
Saginaw 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 March 22, 2011. The claimant appeared and testified.

ISSUE

Was timely verification compliance 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) Negative Action: MA application January 29, 2010, denied October 26, 2010 per BAM 130 with hearing request on November 30, 2010.
- (2) On October 4, 2010, VCL sent to claimant's representative with a second extension due-date of October 25, 2010.
- (3) On October 25, 2010, the representative requested a 3rd extension and it was denied.

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:

Timeliness Standards

All Programs (except TMAP)

Allow the client 10 calendar days (or other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. PAM, Item 130, p. 4.

The representative for the claimant stated the DHS violated policy by not issuing a 3rd extension. He offered no evidence of what reasonable effort was made to obtain the requested verifications.

Therefore, this ALJ does not find that denial of the 3rd extension by the DHS was in error.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that timely verification compliance was not established.

Accordingly, MA denial is UPHELD.

/s/
William Sundquist
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 4, 2011

Date Mailed: April 5, 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 [REDACTED]

cc: [REDACTED]