

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201116459
Issue No: 2006
Case No: [REDACTED]
Hearing Date: June 21, 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 June 21, 2011. 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 as material fact:

- (1) Claimant applied for MA on September 30, 2010, was denied on November 17, 2010, per BEM 130, and requested a hearing on January 7, 2011.
- (2) On October 29, 2010, the DHS sent the claimant a VCL with return-due date of November 8, 2010; it was not returned.
- (3) As of November 9, 2010, the claimant listed his mailing address as [REDACTED].
- (4) On May 18, 2011, the claimant changed his address with the DHS to [REDACTED].

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. BAM, Item 130, p. 4.

Good cause----a circumstance that is considered a valid reason for not complying with a requirement PGR Glossary p. 15.

The claimant testified that he was in the hospital on the verification due-date and before. And that, therefore, he had good cause for non-compliance with timely verification requirements. The claimant introduced no verification from the hospital that he was an inpatient and could not take care of his personal affairs. If he was in the hospital, and not at home, he had the responsibility letting the DHS know of his whereabouts. This could have been done with a simple phone call.

Responsibility to Report Changes

All Programs

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. BAM, Item 105, p. 7.

This the claimant failed to comply with, the above required policy requirements. This ALJ does not find that it was beyond the claimant's control to have complied with timely verification requirements and therefore, good cause was not established by the claimant for his non-compliance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that good cause was not established for non-compliance with timely verification requirements.

Accordingly, MA denial is UPHELD.

William A Sundquist

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

Date Signed: June 30, 2011

Date Mailed: July 1, 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:

