

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201221944
Issue No: 2006
Case No: [REDACTED]
Hearing Date: February 14, 2012
Washtenaw 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 Tuesday, February 14, 2012. Claimant personally appeared with his authorized representative, [REDACTED].

ISSUE

Was verification check List (VCL) mailed to the claimant's representative on September 6, 2011.

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 September 6, 2011, claimant applied for Medicaid (MA-P), was denied on September 26, 2011, and requested a hearing on December 1, 2011.
2. On September 6, 2011, the Department of Human Services sent the claimant and his representative the VCL with a due-date of September 16, 2011; the VCL was not submitted.
3. The Department of Human Services representative procedurally placed a copy of the VCL with a hand written note at the top of the document ---- "cc: [REDACTED]" as a reminder that a copy was sent to [REDACTED] (DHS Exhibit 1).
4. On November 15, 2011, [REDACTED] informed the Department of Human Services that it had not received a copy of the VCL and requested a copy.
5. On November, 15, 2011, a second VCL was sent to [REDACTED] by a second Department of Human Services worker.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

Department of Human Services requested verification must be submitted in 10 days. BAM 105, 110 and 130.

The evidence of record establishes that the VCL, in question, was sent to both the claimant and [REDACTED] on same date. The Department of Human Services representative testified that she marked her file copy at the top of the document in her own handwriting "cc: [REDACTED]" as a reminder that a copy was also sent to the claimant's representative. She explained one of the reasons for this process because she has had past incidents with [REDACTED] complaints with not receiving Department of Human Services mailing.

The [REDACTED] representative testified that she had not received the VCL mailing, but did not explain the process for incoming mail, nor how it is sorted and distributed to the appropriate person in the [REDACTED] office on September 6, 2011. In short, what work records does [REDACTED] keep and by whom of incoming mail by receipt date? This information would be material in supporting [REDACTED] conclusion that it did not receive the VCL in question.

Therefore, this Administrative Law Judge finds that a VCL was mailed to [REDACTED] on September 6, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that [REDACTED] was mailed a VCL on September 6, 2011

Accordingly, Medicaid denial is **UPHELD**.

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

Date Signed: March 9, 2012

Date Mailed: March 9, 2012

201221944/WAS

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/tb

cc:

