

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2008-17986
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 2, 2008
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ISSUE

Did the department correctly deny claimant's MA-P application (August 31, 2007) due to claimant's failure to provide all required verifications by the due date (October 20, 2007)?

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 August 31, 2007, claimant applied for MA-P/retro benefits.

(2) On October 9, 2007, [REDACTED], [REDACTED] filed an appearance on claimant's behalf.

(3) On September 21, 2007, the caseworker sent claimant a verification checklist (3503) asking claimant to provide eligibility verifications which included the following: passport, Social Security number, paystubs, self employment records, asset verifications, etc. The caseworker also requested a hospital discharge summary for claimant's May 2007 hospitalization at [REDACTED] original due date for providing the verifications was October 3, 2007.

(4) Subsequently, at [REDACTED], the caseworker granted two extensions. The final due date for providing the required verifications for MA-P eligibility was October 20, 2007.

(5) [REDACTED] all verifications requested by the caseworker in a timely fashion, except for [REDACTED].

(6) On October 19, 2007, the caseworker denied claimant's MA-P application due to claimant's failure to provide the department with the requested discharge summary [REDACTED] [REDACTED] notice of the denial was sent to claimant [REDACTED]

(7) [REDACTED] was unable to obtain the required discharge summary until November 12, 2008, after claimant's application was denied.

(8) [REDACTED] thinks they are entitled to file the discharge summary in support of claimant's application after the application was denied because they were "at the mercy of a third party [REDACTED] its request on PEM 130.

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).

**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. PAM Item 105, page 5.

Current MA policy does not permit a good cause exception to the above-stated verification requirements. The preponderance of the evidence in the record shows that claimant's caseworker correctly requested verification of the above-mentioned eligibility factors (discharge summary [REDACTED] establish eligibility for MA-P. The caseworker gave claimant ample time (17 days) to provide the required hospital discharge summary. [REDACTED] not provide the hospital discharge summary by the due date.

[REDACTED] that the representative made a good faith attempt to satisfy the verification requirements, the Administrative Law Judge concludes that the requested discharge summary was not provided by the due date.

Since [REDACTED] did not provide the required hospital summary by the October 20, 2007 due date, the caseworker correctly denied claimant's application due to claimant's failure to verify his eligibility factors by October 20, 2007.

There is no evidence on this record that the department acted in an arbitrary or capricious manner. The Administrative Law Judge does not think that PAM 130 requires the department to leave an application open indefinitely.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 29, 2008

Date Mailed: January 5, 2009

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.

JWS/kgw

