

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2008-30878
Issue No: 2012
Case No: [REDACTED]
Hearing Date:
November 16, 2011
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on January 10, 2010. After due notice, a telephone hearing was held on November 16, 2011. Claimant's [REDACTED] authorized representative personally appeared and provided testimony. Claimant did not appear.

ISSUE

Whether the department properly determined Claimant's eligibility for Medical Assistance (MA), Retro-MA and State Disability Assistance (SDA)?

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 Medicaid, Retro-Medicaid and SDA on February 8, 2008. (Hearing Summary).
2. On May 19, 2008, the department mailed the Application Eligibility Notice (DHS-1150) to Claimant and [REDACTED], explaining Claimant's application for MA, SDA and Retro-MA was denied for failure to return the requested verifications and failure to attend the Medical Review Team's internist exam. (Hearing Summary; Department Exhibit 1).
3. On August 12, 2008, [REDACTED] submitted a hearing request requesting the department reprocess Claimant's application for the department's failure to list the specific manual items on the DHS-1150 dated May 19, 2008. (Department Exhibit 4).

4. On June 23, 2009, a hearing was held on the sole issue of whether the department was required to list the manual policy references on the DHS-1150. During the hearing, █████ stipulated to withdraw their hearing request if the department issued a new DHS-1150 referencing the appropriate policy numbers. (Hearing Summary dated 4/13/10, Department Exhibit 3-Hearing Request Withdrawal dated 6/23/09).
5. On January 15, 2010, the department received another hearing request from █████ asking the department to process the original February 8, 2008, application as agreed to during the June 23, 2009 hearing.
6. On October 19, 2011, a telephone hearing was held with Claimant and his representative from █████ present. During the hearing, Claimant had a seizure and the hearing was adjourned.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Mich Admin Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

As an initial matter, this case has been to three hearings, the last on November 16, 2011. The initial issue was whether the department should reprocess the February 8, 2008, application because the department issued an Application Eligibility Notice denying Claimant's MA, Retro-MA and SDA application that did not list the appropriate manual policy references. That issue was resolved at the June 23, 2009, when L&S withdrew their hearing request based on the agreement that the department issue a new Application Eligibility Notice with the appropriate manual policy references, which the department did.

After an extensive review of the file, and the Claimant's representative's admission on the record that Claimant did not attend the scheduled doctor appointment, this Administrative Law Judge finds that the department acted properly by denying Claimant's application for MA, Retro-MA and SDA because Claimant failed to attend the required Internist Examination as required by the Medical Review Team.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department established Claimant did not attend the Internist Examination as required by the Medical Review Team and the department's decision denying Claimant's MA, Retro-MA and SDA application is UPHeld.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/22/11

Date Mailed: 11/22/11

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.

VLA/ds

