

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: 2009-10409
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2009
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 three-way telephone evidentiary hearing was held on August 18, 2009.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) and Adult Medical Program (AMP) on the basis that he did not meet any of the categories?

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 10/17/08, claimant applied for MA, AMP and FAP.
- (2) Claimant is a 23-year-old male who works part time. Claimant stated on the application that he was not disabled.

(3) Claimant does not fall under any of the federal “blind, aged, or disabled” Social Security categories.

(4) On 10/21/08, the DHS denied claimant’s MA application for the following reason: “Not aged, blind or disabled as you are working for cash.”

(5) On 10/21/08, the DHS denied the AMP for the following reason: “No open [AMP] enrollment at this time.”

(6) On 12/1/08, claimant filed a hearing request on the denial of claimant’s application.

(7) Claimant stipulated at the administrative hearing that he has a minor hearing problem which was not affecting his ability to appear by conference phone. Claimant declined an adjournment for an in-person hearing on the grounds of any hearing problem on the basis that he stated he was not disabled.

(8) Claimant is currently working with MRS and understands that he may apply for SDA.

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).

Eligibility for Medical Assistance for individuals who are not aged, blind or disabled is specific. Individuals must meet certain categories for eligibility. In general, to be eligible for MA disability an individual must show that they have a disability. See PEM Item 212, 640, 260; PAM Items 105-130.

The facts in this case indicate that claimant is not under 21 or over 65. Unrefuted evidence on the record is that claimant is not disabled. At the time of the application, claimant was not working with MRS. At the time of the application, as well as at the administrative hearing, claimant indicated that he did not feel that he was disabled. Claimant works part time. Claimant does not meet any of the categories for eligibility and thus, the department's denial was correct and must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's denial was correct.

Accordingly, the department's denial is hereby UPHELD.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 31, 2009

Date Mailed: September 2, 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 mailing date of the rehearing decision.

JS/cv

cc:

