# STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

## ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

ADMINISTRATIVE LAW JUDGE:

Claimant.

Reg No: 2009-15829

Issue No: 2009

Case No:

Load No:

Hearing Date: March 9, 2010 Kent County DHS

Steven M. Brown

### **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 conducted from on March 9, 2010.

#### **ISSUE**

Whether the Department properly determined Claimant's Medical Assistance (MA) eligibility?

#### FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

(1) On January 27, 2009, the Department mailed Claimant a DHS-176 which stated – "Previous worker opened Medicaid in error. You are not eligible for Medicaid.

When you are working with you are only eligible for cash assistance." (Exhibit 1)

(2) On February 6, 2009, the Department received the Claimant's hearing request. (Exhibit 1)

#### 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the Department closed Claimant's MA case because a disability determination had not been made. With that said, based on the testimony and documentation offered at hearing, I do not find that the Department established that it acted in accordance with policy in determining Claimant's MA eligibility.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department established that it acted in accordance with policy in determining Claimant's MA eligibility.

Accordingly, the Department's MA eligibility determination is REVERSED, it is SO ORDERED. The Department shall:

- (1) Request information needed to determine Claimant's MA eligibility and make determination as to Claimant's MA eligibility.
  - (2) Issue Claimant supplemental benefits he is entitled to, if any.
  - (3) Notify Claimant in writing of the Department's revised determination.

(4) Claimant retains the right to request a hearing if he would like to contest the Department's revised determination.

/s/

Steven M. Brown Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: March 24, 2010

Date Mailed: March 24, 2010

**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.

#### SMB/db

cc:

