

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: 2009-15829

Issue No: 2009

Case No:

Load No:

Hearing Date:

March 9, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE:

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 [REDACTED] 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 [REDACTED] 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.

