

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: 2009-26990 and
2009-26989

Issue No: 2001; 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 19, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA and SDA. After due notice, an in-person evidentiary hearing was held on August 19, 2009.

ISSUES

- (1) Did the DHS properly deny claimant's AMP application?
- (2) Did the DHS properly deny claimant's MA-P application?

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 3/13/09, claimant applied for welfare assistance with the Michigan DHS.
- (2) Claimant checked off on the application that she wanted Medical Assistance.

(3) Unrefuted evidence on the record is that claimant indicated on the application that she was not disabled.

(4) Unrefuted evidence on the record is that the AMP budget shows claimant's household's total earned income is \$1,927, with a net earned income of \$1,381; total unearned income is \$1,390, with a net income of \$2,375. Exhibit 1.

(5) The AMP cap is \$413 for claimant's household.

(6) Claimant's household's countable income exceeds the AMP cap.

(7) On 4/17/09, the DHS issued notice to claimant informing her that her AMP application was denied for excess income. Exhibit 3.6.

(8) On 4/17/09, the DHS issued notice to claimant informing her that her MA application was denied as she is not aged, blind, disabled, under 21, pregnant, or a parent/caretaker relative of a dependent child. Exhibit 3.6.

(9) On 5/19/09, claimant filed a hearing request.

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).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are

contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Applicable policy and procedure to the case herein is found in numerous policy items, including BEM Items 544, 260 and BAM Items 402 and 815.

ISSUE ONE

In this case, policy indicates that the AMP income cap is \$413 for claimant's household. The AMP budget run by the department indicates that claimant's net income total, which includes the household's earned and unearned income, exceeds the AMP cap.

After careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the department determined that claimant was not eligible for the AMP program on the basis of excess income. Thus, the department was required to deny claimant's application and this Administrative Law Judge is required to uphold the department's denial. BAM 402, 815.

ISSUE TWO

Under the above-cited authority, in order to be eligible for Medicaid an individual must fall under one of the eligible categories. Under federal and state disability law and policy, the general Medicaid categories include blind, aged, disabled, under 21, pregnant, or a parent/caretaker relative of a dependent child.

In this case, unrefuted evidence on the record is that claimant does not fall under any of the eligible categories as claimant indicated on the application that she was not disabled. Thus, claimant has no potential eligibility for any of the Medicaid categories and the department had no further duty to process any further application on behalf of claimant. The department was required to deny claimant's application as claimant did not indicate on her application any potential eligibility for any MA categories. Likewise, as this Administrative Law Judge

determines based upon the overall record in this case that the department correctly denied, this Administrative Law Judge must uphold that denial.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's actions under both issues were correct, and thus,

Accordingly, the department's denials are UPHELD. It is SO ORDERED.

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

Date Signed: September 14, 2009

Date Mailed: September 14, 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 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.

JS/cv

cc:

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