

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: 2009-27038
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 30, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 held on March 30, 2010. Claimant did not appear. Claimant was represented by [REDACTED].

The department was represented by Tracey Fountain (FIM) and Stephen Tyler (ES).

The Administrative Law Judge appeared by telephone from Lansing

ISSUE

Did the department correctly deny claimant's MA-P application due to claimant's admission that she is not disabled?

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 December 30, 2008, [REDACTED] applied for MA-P benefits on claimant's behalf.

(2) [REDACTED] submitted a DHS-1171 (December 30, 2008) on claimant's behalf. On page 7 of the DHS-1171, the department asked for a list of persons in the claimant's household who are disabled. The answer provided by [REDACTED] is "none."

(3) On February 27, 2009, the caseworker denied claimant's MA-P application because claimant stated she was not disabled. The caseworker, based on the information provided by [REDACTED], determined that claimant did not meet the disability requirements for the MA-P program.

(4) On May 19, 2009, claimant requested a hearing.

(5) At the hearing, the FIM declined a request made by [REDACTED] to backdate a new application notwithstanding the failure by [REDACTED] to submit a complete and accurate application on December 30, 2008.

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).

Under current MA-P policy, MA-P benefits cannot be granted to persons who do not have a *bona fide* disability, as defined by MA-P policy. BEM 640, BAM 600 and BAM 260. The December 30, 2008 application was denied based on claimant's failure to make a *prima facie* showing that she met the nonfinancial eligibility factors for retro Medicaid.

The preponderance of the evidence in the record establishes that claimant does not meet the MA-P eligibility requirements under the manual items cited above.

Therefore, the caseworker correctly denied claimant's application for retro MA, based on her December 30, 2008 application and claimant's failure to establish a *bona fide* disability within the requirements of the MA-P eligibility standards on December 30, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P application due to claimant's failure to establish a prima facie case of disability.

Accordingly, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 6, 2010

Date Mailed: June 7, 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.

2009-27038/jws

JWS/tg

cc:

