

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.: 2009-27974

Issue No.: 2003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 17, 2010

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, February 17, 2010. The Claimant appeared along with [REDACTED]. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's November 20, 2008 Medical Assistance application?

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 September 30, 2008, the Claimant submitted an application for public assistance which ultimately resulted in a finding of not disabled.

2. On November 20, 2008, another application was submitted on behalf of the Claimant. (Exhibit 2, 3)
3. The Department did not have record of the November 20, 2008 application thus it was not registered and/or processed.
4. The Claimant/Representative requested the application be registered and processed under the MA-N as opposed to MA-P.
5. On May 22, 2009, the Department received the Claimant's timely written request for hearing protesting the Department's failure to register and/or process the November 2008 application.
6. The Department agreed to register and process the November 2008 application.

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, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Policy Glossary ("BPG").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. PEM/BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI

program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. *Id.*

MA is available to a person who is under age 21 and meets the eligibility requirements in the calendar month being tested. PEM/BEM 132 MA is available to parents and other caretaker relatives who meet the eligibility factors outlined in PEM/BEM 135. These categories of MA coverage are FIP-related Group 2.

The Claimant/Representative submitted an application for MA benefits in November of 2008. At that time, the Claimant reportedly had a minor child in the home. The application was not registered and/or processed. During the hearing, the Department agreed to register and process the November 2008 application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's actions are not upheld.
2. The Department shall register and process the Claimant's November 2008 application seeking retroactive coverage for August 2008 in accordance with department policy.
3. The Department shall notify the Claimant and her authorized representative of the determination in accordance with department policy.

4. The Department shall supplement for any lost benefits the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 3/4/2010

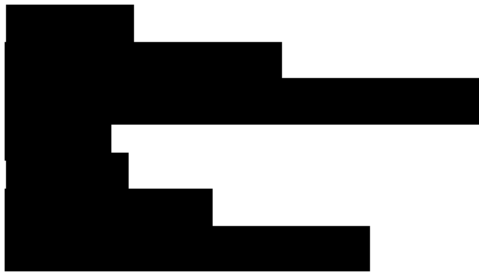
Date Mailed: 3/4/2010

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.

CMM/jlg

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