

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: 2009-34444
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 6, 2010
Oceana County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on 7/30/2009. After due notice, a telephone hearing was held on Tuesday, July 6, 2010.

ISSUE

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

FINDINGS OF FACT

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

- (1) The Claimant receives MA benefits.
- (2) The Claimant applied for the Adult Medical Program (AMP) on

February 27, 2009.

(3) The Department denied the application for AMP benefits because enrollment in the program was frozen in February of 2009.

(4) The Department reexamined the Claimant's application for AMP benefits on July 22, 2009.

(5) The Department received the Claimant's request for a hearing on July 30, 2009, protesting the Department's denial of her MA application.

(6) The Department approved the Claimant's application for AMP benefits with coverage from April 1, 2009, through October 31, 2009.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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

The Claimant applied for AMP benefit for herself and her husband on February 27, 2009, but the Department had closed the program to new enrollments at that time. The Department began accepting application for AMP in March of 2009, but on March 18, 2009 informed the

Claimant that her application from February 27, 2009 was sufficient and that no further action was necessary. On July 28, 2009, the Department sent the Claimant notice that it had denied her application for MA benefits because AMP enrollment was frozen. Due to problems with its computer system, the Department submitted a help desk ticket so that it could reexamine the Claimant's MA eligibility. The Department approved the Claimant's application for AMP benefits, with coverage from April 1, 2009, through October 31, 2009.

The Department established that it acted in accordance with policy when it determined the Claimant's eligibility for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 14, 2010

Date Mailed: July 14, 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 60 days of the filing of the original request.

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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.

KS/vc

cc:

