

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: 2009-117
Issue No: 2001; 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2009
Allegan 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 in Allegan on August 18, 2009. Claimant personally appeared and testified under oath.

The department was represented by Linda Van Ess (FIM).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's August 20, 2008 AMP/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) Claimant is an MA-P/AMP applicant.
- (2) Claimant is employed part time at a daycare center.
- (3) On August 20, 2008, claimant applied for MA-P and AMP.

(4) Claimant completed a DHS-1171/Application. The application at page 7 reads: “List any person in your household who is blind or has a disability. Claimant answered the question “None”.

(5) On August 20, 2008, the caseworker denied claimant’s application because she did not meet the MA-P requirements. The caseworker provided the following explanation:

MESSAGE: “In order to be considered for Medicaid you must be under 21, a pregnant woman, a parent or caretaker relative of a dependent child living in your home, or 65 years of age or older, blind, or disabled.”

DENIALS: You don’t fit any of the Medicaid program requirements.

(6) On September 9, 2008, claimant requested a hearing.

(7) On August 20, 2008, the caseworker denied claimant’s AMP application. The caseworker provided the following explanation: We are unable to process your AMP application due to a freeze on enrollments.

(8) On September 9, 2009, claimant requested a hearing.

(9) Claimant needs medical benefits to cover a rule-out cancer test.

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).

In order to qualify for the MA-P program the agency must meet the department's requirements as follows:

In order to be considered for Medicaid you must be under 21, a pregnant woman, a parent or a caretaker relative of a dependent child living in your home, or 65 years of age or older, blind, or disabled. PEM 105, PAM 115.

Claimant clearly stated on her application that she did not meet any of the MA-P requirements.

The department was unable to process claimant's AMP application because the program was closed to new enrollments at the time of claimant's application.

Based on the preponderance of the evidence in the record, the Administrative Law Judge concludes that the department correctly denied claimant's MA-P and AMP applications because claimant does not qualify for benefits under either program at this time.

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 and AMP applications due to claimant's failure to meet the eligibility requirements.

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: April 20, 2010

Date Mailed: April 21, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JWS/sd

cc:

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