

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: 2009-26332
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 Hearing received by the Department on May 8, 2009. After due notice, a telephone hearing was conducted on August 26, 2009. The Claimant was present and testified along with her friend, [REDACTED]. Cheryl Byrd, MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Medical Assistance ("MA-P") and State Disability Assistance ("SDA") applications?

FINDINGS OF FACT

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

1. Claimant filed an application for MA and SDA benefits on 3/13/09.

2. The Department denied Claimant's application following State Hearing Review Team Decision effective 4/2/09.
3. Claimant appealed the SHRT decision and a medical disability hearing was scheduled and heard on 8/26/09.
4. At the hearing it was determined that additional medical records were needed in order to make a determination on disability.
5. An Interim Order dated 8/26/09 was entered requesting that Claimant undergo a psychiatric examination.
6. The examination was scheduled for 11/24/09 at 3:30 p.m. with Mr. McCullough. However, the Claimant failed to attend the evaluations.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, 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").

A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and the Department is required to deny the application or close the case. PEM 260, p. 4. *See also, 20 CFR 416.918(a)*.

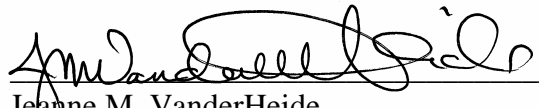
In the present case, this Administrative Law Judge determined that there was insufficient evidence to assess the severity of Claimant's impairment. As a result, this Administrative Law Judge ordered a psychiatric examination. Claimant failed to appear for the examination.

Claimant failed to present good cause for her failure to attend the appointment. Accordingly, this Administrative Law Judge finds that claimant has failed to cooperate by not appearing for the medical examination and, therefore, cannot be disabled pursuant to 20 CFR 416.918(a).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's denial of the Claimant's MA application is upheld.

Accordingly, it is ordered that the Department's denial of the MA and SDA application is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 02/02/10

Date Mailed: 02/03/10

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 receipt date of the rehearing decision.

JV/dj

cc:

