

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: 2009-31188

Issue No: 2011

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 28, 2009

Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Jana Bachman

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 October 28, 2009.

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility for Medical Assistance (MA).

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 or about June 11, 2009, claimant applied for MA.
- (2) On or about June 16, 2009, the department denied claimant's MA application as she was already active in another MA program. Department Exhibit A, pgs 1-5.

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).

Department manuals provide the following policy instructions for caseworkers:

Benefit duplication means assistance received from the same of same type of program to cover a person's needs for the same month. Benefit duplication is prohibited except for MA in limited circumstances as set forth in subsequent paragraph. Department computers have been programmed to apply the requirements in this item which are as follows:

Assume an MA or AMP applicant is not receiving medical benefits from another state unless evidence suggests otherwise. Do no delay the MA/AMP determination. Bridges Eligibility Manual (BEM 222).

In this case, claimant was active for Medicaid under Plan First Program at the time her new MA application was processed. Claimant had not requested the case be closed. Accordingly, the department was not able to approve her MA application as it would have constituted a duplication of benefits. Accordingly, the department has met its burden of proof and the department action must be upheld. It is noted that claimant was informed that she could request her Plan First be closed and that another form of MA for which she qualified be opened. Finding of Fact 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined claimant's eligibility for Medical Assistance.

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

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2009

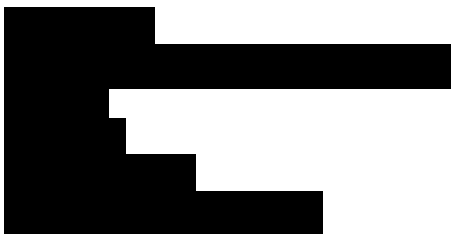
Date Mailed: December 11, 2009

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.

JAB/db

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