

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: 2009-3255

Issue No: 2018

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 15, 2009

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 15, 2009. Claimant did not appear; however, he was represented by [REDACTED]

ISSUE

Did the department properly process claimant's June 28, 2008 Medicaid (MA)/retro-MA 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) On June 28, 2008, claimant's authorized representative filed an MA/retro-MA application on claimant's behalf (Department Exhibit #1, pgs 100-107).

(2) Page two of this application notes claimant's household group consisted of himself, his wife and their minor children (Department Exhibit #1, pg 101).

- (3) Additionally, the last page of this application states in relevant part:

Please process this application for disability and non-disability medical for the March 2008 date of service (DOS). If this client is found not to be disabled, please process as a family case (Department Exhibit #1, pg 107).

(4) Specifically, claimant's authorized representative was asking the local office to determine claimant's eligibility for caretaker-relative MA (non-disability related MA) during his March 2008 hospitalization when the family allegedly still lived together.

(5) The local office never considered claimant's potential eligibility (verified his household group status) for caretaker-relative MA, but instead, they sent his case to the Medical Review Team (MRT) twice in July 2008 for a disability determination, which resulted in two lack of disability findings.

(6) On October 14, 2008, the department received claimant's hearing request which states in relevant part:

The application was denied for failure to meet Medicaid disability criteria. The claimant had dependent children in the household. FIP Related Medicaid eligibility needs to be determined.

(7) Claimant's hearing was held on October 15, 2009.

(8) The department's sole witness at hearing had no knowledge of, or involvement in processing claimant's disputed application but she stipulated on the record caretaker-relative MA (FIP-related MA) should have been considered.

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 applicable departmental policy states:

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

Informing the Client

All Programs

Inform people who inquire about:

- . the DHS programs available, including domestic violence comprehensive services.
- . their right to apply.

Provide specific eligibility information on any program they are interested. PAM, Item 105, p. 9.

At application and redetermination:

- . Thoroughly review all eligibility factors in the case.

Applications and redeterminations must be completed within the standards of promptness. See PAM 115, 210. PAM, Item 105, p. 11.

Document each determination of eligibility or ineligibility on the DHS-1171-C, Eligibility Determination and Certification, and inform the client of the decision. PAM, Item 105, p. 11.

Additionally, BAM Item 105, pg 2 states clearly that persons may qualify under more than one MA category and requires the local office to allow all applicants the right to the most beneficial category. In claimant's case, the department erred in failing to process a FIP-related MA application on claimant's behalf, as requested. Consequently, the department's action cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in processing claimant's June 28, 2008 MA/retro-MA application.

Accordingly, the department's action is REVERSED, and this case is returned to the local office for application reinstatement and reprocessing in accordance with the department's rules.

SO ORDERED.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2009

Date Mailed: October 28, 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.

MBM/db

cc:

