

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: 2009-5553

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 18, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 August 18, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

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 August 21, 2008, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits.

(2) On page 7 of the application, claimant indicated that although she had a medical condition she was able to work.

(3) On September 10, 2008, the worker called claimant, who confirmed that she was not claiming to be disabled. She stated that she was laid off from her full-time job at [REDACTED] and that she was currently receiving unemployment compensation benefits.

(4) As a result of the conversation, the worker denied claimant's application because claimant did not meet any of the categories for Medical Assistance benefit eligibility.

(5) The caseworker also considered claimant for the Adult Medical Program but determined there was an enrollment freeze.

(6) On September 10, 2008, a notice of denial was sent to the claimant and to her authorized representative.

(7) On October 30, 2008, claimant filed a request for a hearing to contest the department's negative action through her authorized representative.

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 Medicaid program is comprised of several subprograms (i.e. categories). One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are

based on or related to the eligibility factors in either FIP (Family Independence Program) or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related. To receive Medical Assistance under a SSI-related category the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant or recently pregnant, would receive MA under FIP-related categories. PEM 105, Page 1.

In the instant case, claimant's application indicated that she was not disabled and that she was able to work. In order to receive unemployment compensation benefits, which claimant still is collecting to date, a person must be monetary eligible, must be totally or partially unemployed; must have approvable job separation; and must meet weekly legal requirements: i.e., being physically and mentally able to work, be available and seeking work, and filing weekly claims for benefits on a timely basis.

In the instant case, claimant testified on the record that she is going to school and still collecting unemployment compensation benefits and that she does want to work and would be able to work; she simply needs some medical insurance.

For these reasons, this Administrative Law Judge finds that the department has established by the necessary, competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's application for Medical Assistance and retroactive Medical Assistance benefits based upon the fact that claimant did not fit any category for Medical Assistance benefit eligibility.

DECISION AND ORDER

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

Accordingly, the department's decision is AFFIRMED.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 26, 2009

Date Mailed: August 27, 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 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.

LYL/vmc

cc:

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