## STATE OF MICHIGAN

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:


Reg. No: 201011069
Issue No: 2001
Case No:
Load No:
Hearing Date:
October 19, 2010
Macomb County DHS

## ADMINISTRATIVE LAW JUDGE: Kevin Scully

## HEARING DECISION

This matter is before the undersigned Administ rative Law Judge by authority of MC L 400.9 and MCL 400.37. Claimant 's request for a hearing was received on October 30, 2009. After due notice, a telephone hearing was held on Tuesday, October 19, 2009.

## ISSUE

Whether the Department of Human Serv ices (Department) properly det ermined the Claimant's Medical Assistance (MA) eligibility?

## FINDINGS OF FACT

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

1. On October 6, 2009, the Claimant applied for MA benefit s under the Adult Medical Program (AMP).
2. On October 19, 2009, the Departm ent denied $t$ he Claimant's applic ation because there was a freeze on AMP enrollment.
3. The Department received the Claimant's request for a hearing on October 30, 2009, protesting the denial of his MA application.

## CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by $T$ itle 42 of the $C$ ode of Federal Regulations (CFR). The

Department of Human Servic es (DHS or Department) adm inisters the MA program pursuant to MCL 400.10, et s eq., and MCL 400.105. Departm ent policies are found in the Bridges Administ rative Manual (BAM) , the Bridges Eligib ility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Se curity Act, and is administered by the Department of Human Services (DHS or department) purs uant to MCL 400.10, et seq. Department policies are containe $d$ in the Bridges Administrati ve Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Claimant applied for MA benefits under the AMP category. Enrollment in AMP was currently frozen to new enrollments when $t$ he Claimant submitted his application. Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640 .

## DECISION AND ORDER

The Administrative Law Judge, based upon $t$ he above findings of fact and conclusion $s$ of law, decides that the D epartment acted in accordance with policy in determining the Claimant's MA eligibility.

The Department's MA eligibility determination is AFFIRMED. It is SO ORDERED.


Kevin

Date Signed: _October 26, 2010
Date Mailed: __October 27, 2010
NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at $t$ he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 60 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 ti mely request for rehea ring was made, within 30 days of the receipt date of the rehearing decision.

KS/alc
cc:


