

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: 2010-12155
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 9, 2010
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. 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 June 9, 2010.

ISSUE

Whether the 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) August 19, 2009, claimant applied for Medical Assistance. Claimant did not indicate that he was disabled on his application. He was not the caretaker of a child nor was he under age 21 or age 65 or older.

(2) September 1, 2009, the department sent claimant written notice that his application was denied due to failure to meet non-financial eligibility requirements for Medical Assistance programs available. Department Exhibit A, pgs 1-2.

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).

Clients have rights and responsibilities as specified in this item.

The local office must do all the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client's rights.

On the same day a person comes to the local office, she/he has the right to file an application and get local office help to provide the minimum information for filing.

An application or filing form, whether faxed, mailed or received from the internet must be registered with the receipt date, if it contains at least the following information:

- Name of the applicant.
- Birth date of the applicant (not required for FAP).
- Address of the applicant (unless homeless).
- Signature of the applicant/authorized representative.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

The department is to inform people who inquire about:

- The DHS programs available, including domestic violence comprehensive services.
- Their right to apply.
- Provide specific eligibility information on all programs in which they are interested.
- The DHS-1171, Assistance Application booklet contains information about programs, services, rights and responsibilities.
- The requirement to provide specific eligibility information is satisfied by the eligibility information on the application form.
- The local office must assist clients who ask for help in completing forms or gathering verifications.
- Determine benefit and eligibility amounts for all requested programs.

Bridges Administrative Manual (BAM) 105; 42 CFR431, 435; MCL 400.60(2).

In this case, claimant applied for Medical Assistance and indicated on the application that he was not disabled. Claimant was not under age 21, age 65 or older, or the caretaker of a minor child. Accordingly, claimant did not qualify for available Medical Assistance programs. At hearing, claimant indicated that initially he believed he was automatically eligible for MA due to being recently released from prison. He has since found that is not true. He testified at hearing that he did check that he was not disabled on his application. At hearing, claimant stated that he misunderstood the question and would have put down that he was disabled. However, claimant was fully informed of the eligibility requirements for Medical Assistance programs. Assistance to complete the application form was available to him had he requested it. Accordingly, the department took claimant's statements on the application to be accurate and truthful. Therefore, the department did properly not pursue Medical Assistance based on disability for claimant. As such, the department has met its burden of proof and its action must be upheld. 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 of Human Services properly determined that claimant did not qualify for available Medical Assistance programs.

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: July 27, 2010

Date Mailed: July 28, 2010

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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