

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201044186  
Issue No.: 2006  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 20, 2010  
Wayne County DHS (19)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 20, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], appeared and testified.

**ISSUE**

Whether DHS properly denied Claimant's 9/23/09 application for Medical Assistance (MA) benefits due to a failure to verify information.

**FINDINGS OF FACT**

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

1. Claimant applied for MA benefits on 9/23/09.
2. Claimant was part of a one-person MA group seeking MA benefits on the basis of being disabled.
3. On an unspecified date, DHS denied Claimant's application due to an alleged failure by Claimant to verify information.
4. On an unspecified date, Claimant was approved by Social Security Administration (SSA) for benefits on the basis of disability.

5. On 1/26/10 Claimant requested a hearing concerning the denial of her MA benefits.

### **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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

A recipient with excess income for ongoing Medicaid may still be eligible for Medicaid under the deductible program. Clients with a Medicaid deductible may receive Medicaid if sufficient allowable medical expenses are incurred. Each calendar month is a separate deductible period. The fiscal group's monthly excess income is called the deductible amount. Meeting a deductible means reporting and verifying allowable medical expenses that equal or exceed the deductible amount for the calendar month.

Clients may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105 at 2. As a disabled person, Claimant's most beneficial MA program is through Aged-Disabled Care (AD-Care).


In the present case, DHS originally denied Claimant's 9/23/09 application for MA benefits due to an alleged failure by Claimant to verify required information. DHS did not supply any specifics as to what information was requested and not returned. Instead, DHS agreed to reinstate Claimant's application and to process it in accordance with their policies. With the concession by DHS to reinstate and process Claimant's application, no issues were left for the undersigned to resolve. It is found that DHS improperly denied Claimant's MA benefits application dated 9/23/09.

It should be noted that this decision does not address whether Claimant is income-eligible for AD-Care or any other Medicaid coverage. Based on testimony from Claimant, she may only be income-eligible for Medicaid subject to a deductible. DHS has yet to make a decision concerning Claimant's income-eligibility for MA benefits. Claimant has the right to request a hearing for any decision made by DHS stemming from the re-registration of her application.

**DECISION AND ORDER**

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS re-register Claimant's 9/23/09 application for MA benefits and process it in accordance with their policies.

/s/

  
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Christian Gardocki  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 29, 2010

Date Mailed: September 29, 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 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.

CG/hw

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