

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.: 2010-44800
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
DHS County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 21, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for Medical Assistance (MA or Medicaid) benefits?

FINDINGS OF FACT

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

1. Prior to March 18, 2010, Claimant applied for MA benefits.
2. On March 18, 2009, Claimant's application was in pending status.
3. On March 18, 2010, Claimant filed a request for hearing with DHS.
4. On August 4, 2010, the DHS Medical Review Team denied Claimant's application for the stated reason that she was capable of performing other work.

CONCLUSIONS OF LAW

MA was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to

MCL 400.10, *et seq.*, and MCL 400.105. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In this case, I determine that Claimant's case was in pending status on the date Claimant filed her hearing request. As Claimant's case was in pending status, DHS had not taken any action granting or denying Claimant's application.

I find that the applicable DHS manual section in this case is BAM 600, "Hearings." This is the policy section that confers authority on the Administrative Law Judge to determine whether DHS acted properly or not.

BAM 600 states at the outset:

HEARINGS

DEPARTMENT POLICY

All Programs

Clients have the right to contest a department decision affecting eligibility or benefits levels whenever they believe the decision is incorrect. BAM Item 600, p. 1 of 34.

I find and conclude that, because DHS has not made a decision in this case, I have no DHS decision to evaluate. I do not have the authority to grant MA to Claimant, and I can only review the actions DHS takes in granting or denying benefits to clients. In this situation, I leave Claimant to her proper procedural opportunity, which presently is that she must file an appeal with the State Hearing Review Team (SHRT), which is the DHS office that reviews Medical Review Team decisions.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS DHS' actions in processing Claimant's MA application. I find that Claimant is not eligible for MA benefits until such time as the application process has been completed, including appeals of medical determinations, and she has been found eligible under the applicable law. DHS need take no further action at this time.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2010

Date Mailed: October 27, 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.

JL/pf

cc:

