

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

IN THE MATTER OF:



Reg. No.: 201050750
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Office: Wayne County DHS (15)

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 November 22, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits without evaluating Claimant for Aged-Disability Care (AD-Care) benefits.

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 submitted an Assistance Application for MA benefits to DHS on 5/10/10.
2. Claimant's application indicated that he was disabled and requested retroactive MA benefits at least for 4/2010.
3. DHS failed to evaluate Claimant for any MA benefits based on Claimant's claim of disability.
4. On an unspecified date, DHS denied Claimant's request for MA benefits on the basis that Claimant was only eligible for Adult Medical Program (AMP) benefits,

and AMP had a freeze on enrollments at the time of Claimant's application for MA benefits.

5. Claimant requested a hearing disputing the denial of MA benefits on 6/24/10.

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.

In the present case, Claimant credibly testified that he submitted an application on 5/10/10 and asserted that he was disabled within the application. DHS was unable to locate Claimant's Assistance Application and could not rebut Claimant's testimony. It is found that Claimant asserted a disability on an application submitted to DHS 5/10/10.

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 an individual claiming disability, Claimant's most beneficial MA program would be through Aged-Disabled Care (AD-Care).

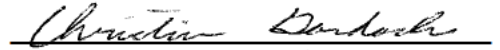
DHS acknowledges only evaluating Claimant for AMP benefits, not for AD-Care or any other MA program for which Claimant might have been eligible. It is found that DHS failed to evaluate Claimant for MA programs for which eligibility is based on disability. Note that this decision does not find that Claimant is disabled, only that Claimant is entitled to be evaluated by DHS concerning a claim of disability.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 5/10/10 for MA benefits. It is ordered that DHS reinstate Claimant's application for 5/10/10 for MA benefits, including retroactivity for 4/2010, and to process Claimant's MA application

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based on a claim of disability. The actions taken by DHS are REVERSED.


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

Date Signed: December 2, 2010

Date Mailed: December 2, 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 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 timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/hw

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