

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

IN THE MATTER OF:



Reg. No: 20108400
Issue No: 2001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 19, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 31, 2010. After due notice, a telephone hearing was held on Tuesday, October 19, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. The Claimant submitted a MA application on May 27, 2009.
2. On July 15, 2009, the Department denied the Claimant's MA application because she has private health care coverage.
3. The Department received the Claimant's request for a hearing on August 31, 2010, protesting the denial of her MA application.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

A person who has private health care coverage is not eligible for the Adult Medical Program. BEM 640. Health care coverage included comprehensive health insurance and enrollment in a medical care plan such as a health maintenance organization. BEM 640.

The Claimant applied for MA benefits under the Adult Medical Program on May 27, 2009. The Department denied the Claimant's application on July 15, 2009, because she has private health care coverage.

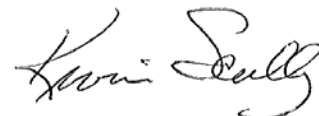
The Claimant did not dispute that she had private health care coverage. The Claimant testified that she could not afford to maintain her private health care coverage and that her coverage ended not long after submitting her application.

The Department has established that it properly denied the Claimant's MA application because she had private health care coverage at the time she submitted her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department 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 Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2010

Date Mailed: October 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 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.

KS/alc

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