

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: 2010-11489
Issue No: 2006; 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2010
Wexford County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on March 3, 2010. Claimant and her husband appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) because she failed to return required documents?

FINDINGS OF FACT

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

- (1) On April 14, 2009, Claimant requested a hearing because her eligibility for full coverage Medicaid under the Low Income Family (LIF) category was going to end on May 27, 2009, when the youngest child graduated from high school.

- (2) On June 12, 2009, Claimant applied for Medical Assistance (MA) based on disability and State Disability Assistance (SDA).
- (3) On June 24, 2009, Claimant's application for Medical Assistance (MA) based on disability and State Disability Assistance (SDA) was denied for failure to provide required documents.
- (4) On June 30, 2009, Claimant's Medicaid/LIF ended and Claimant became eligible for medical benefits under the Adult Medical Program (AMP).
- (5) On July 16, 2009, Claimant applied for Medical Assistance (MA) based on disability and State Disability Assistance (SDA).
- (6) On July 16, 2009, a Medical Determination Verification Checklist was printed at the local office showing Claimant needed to submit various listed Department medical forms.
- (7) On August 6, 2009, Claimant submitted several pages of narrative medical reports. These reports are not the Department forms required as part of an application for Medical Assistance (MA) based on disability and State Disability Assistance (SDA).
- (8) On August 14, 2009, Claimant was sent a Notice of Case Action (DHS-1605) which stated her application of July 16, 2009, was denied for failure to provide required documents.
- (9) On August 27, 2009, Claimant submitted a request for hearing on the August 14, 2009 denial.
- (10) On September 8, 2009, Claimant again applied for Medical Assistance (MA) based on disability and State Disability Assistance (SDA). That application was denied

as not being disabled. This record contains no request for hearing on that denial and this hearing does not address any aspect of the September 8, 2009 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) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case, Claimant testified on the issues involved. However, Claimant was unable to distinguish the specific circumstances involved in the three separate applications. Claimant stated that she has memory problems due to severe sleep apnea. Claimant did not appear to be attempting any type of deception but seemed only able to recall the specific circumstances of the September 8, 2009 application where she filled out the required forms in the local office the same day she got them. Claimant's testimony regarding the specific circumstances of the July 16, 2009 application was incomplete and deemed unreliable due to Claimant's memory problems.

There is no competent evidence in the record to show that the Department's denial of the July 16, 2009, application was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) because she failed to return required documents.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 23, 2010

Date Mailed: March 31, 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.

GFH 

cc:

