

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



Reg. No.: 201012024
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 12, 2010
Macomb County DHS (36)

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 August 12, 2010. [REDACTED] of [REDACTED], Claimant's authorized hearing representative, appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly failed to determine Claimant's eligibility for MA benefits based on a disability due to Claimant's employment and/or receipt of unemployment benefits.

FINDINGS OF FACT

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

1. Claimant applied for MA benefits on 2/99/09 by submitting an Assistance Application; Claimant also requested retroactive MA benefits for 1/2009.
2. Claimant stated in the Assistance Application that he was disabled.
3. Claimant also stated in the Assistance Application that he was employed or received unemployment compensation benefits.
4. DHS summarily found Claimant not to be disabled due to Claimant's employment or due to his receipt of unemployment compensation benefits.

5. DHS made no decision on Claimant's request for MA benefits based on the summary finding that Claimant was not disabled.
6. █████ requested a hearing on 10/23/09 disputing the DHS failure to not process the 2/9/09 request for MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

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. BEM 105 at 1.

Persons 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.

A disabled person may qualify for MA benefits through the Aged/Disability Care (AD-Care) program. A non-disabled, non-pregnant, non-caretaker individual over 21 years of age is only potentially eligible for Adult Medical Program (AMP), a non-Medicaid program.

If a client applying for disability is not certified as disabled by the Social Security Administration, then the Medical Review Team (MRT) determines whether the client is disabled. BEM 260 at 1. BEM 260 goes on to outline the referral process to MRT that DHS specialists must undertake. The referral process includes requesting the following documents from the client claiming disability: medical documents relating to the impairment, Social Summary (DHS-49-B) and a Medical Social Questionnaire (DHS-49-F).

In the present case, the DHS specialist made a determination that Claimant was not disabled solely based either on Claimant's employment or receipt of unemployment compensation benefits; DHS could not even clarify which circumstance applied to Claimant. There is no basis in DHS policy which allows the DHS specialist to forego the MRT referral process and to summarily make a determination of Claimant's

disability/lack of disability. Based on the DHS specialist's conclusion, DHS never considered Claimant for an MA program involving Medicaid. It is found that DHS improperly failed to process Claimant's application for MA benefits and the proper remedy is for DHS to reinstate the original application and to properly follow the disability referral process.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to consider Claimant's application for MA benefits. It is ordered that DHS reinstate Claimant's 2/9/09 application for MA benefits, including Claimant's request for retroactive MA benefits, and to follow their policies in processing the application.

/s/



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

Date Signed: August 25, 2010

Date Mailed: August 25, 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.

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