

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: 2010-2781
Issue No: 2006; 4003; 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 12, 2009
Gratiot County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on November 12, 2009. Claimant personally appeared and testified. Also appearing on claimant's behalf was her mother [REDACTED]

ISSUES

1. Did the department correctly deny claimant's Medicaid (MA) and State Disability Assistance (SDA) application in September, 2009?
2. Did the department correctly terminate claimant's Food Assistance Program (FAP) benefits in September, 2009?

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 applied for cash assistance and medical benefits on August 26, 2009.

Claimant has no minor children living with her.

2. On September 3, 2009, department issued the claimant a Verification Checklist, DHS-3503, requesting medical records about disability, among other items. Due date for return of the verifications was September 14, 2009.

3. Claimant failed to provide any medical records about her alleged disability and department denied her MA and SDA application on September 16, 2009.

4. Claimant was also a recipient of FAP benefits when the department received information that she is in violation of her probation from her probation officer. Department then took action to terminate claimant's FAP benefits also effective for September 28, 2009.

5. Claimant requested a hearing on September 29, 2009, stating that she cannot get the medical report filled out and that her caseworker refused to help her and was mean to her.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy states that in order for a person between the ages of 21 and 65 that has no minor children living with them to be considered eligible for Medicaid, they must be disabled or blind. BEM 260. Departmental policy also states that to be eligible for SDA a client must be disabled, caring for a disabled person, or age 65 or older. The client is responsible for providing evidence needed to prove disability or blindness. Department must assist the client when they need help to obtain such evidence. Such help includes scheduling medical exam appointments, and paying for medical evidence and medical transportation.

Claimant testified that her doctor refused to complete a Medical Examination Report form given to her by the department. The department cannot force a doctor to complete any forms or to provide any medical information that he/she does not want to provide. Therefore, departmental policy pertaining to providing help to obtain medical evidence does not apply to claimant's circumstances, i.e. her doctor's refusal to complete forms. Furthermore, department's representative points out that DHS-3503 asked for "medical records about disability", and the copy of this form provided for the hearing clearly states so. It appears from claimant's testimony

that she had no such records to provide. Claimant's alleged disability cannot be addressed by the department without any medical records to support her claim. Claimant testified she had been hospitalized on September 24, 2009, and has re-applied for MA and SDA on October 12, 2009. Claimant perhaps will now have some medical records to support her claim of disability, but she did not have such records when the department denied her previous application.

Departmental policy addresses FAP group composition and indicates that a group member who has violated terms of their parole or probation is not eligible for FAP. BEM 212, p. 7, BEM 203. Claimant does not dispute the information given to the department by her probation officer that lead to closure of her FAP case. Claimant is now again eligible for FAP as her probation violation matter has been cleared up.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA and SDA application in September, 2009. Furthermore, department also correctly terminated claimant's FAP benefits in September, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 4, 2010

Date Mailed: February 3, 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.

IR [REDACTED]

cc:

[REDACTED]