

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-28251
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2010
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 September 1, 2010. Claimant did not appear for the hearing. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P)?

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 July 9, 2009, [REDACTED] filed an application for Medical Assistance with a retroactive Medical Assistance application to include May and June 2009 on the behalf of claimant.
- (2) On July 28, 2009, the specialist in [REDACTED] County denied claimant the Adult Medical program as there was no open enrollment at that time.
- (3) On March 25, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) A notice was mailed to the claimant notifying him of the denial (department exhibit #1).
- (5) At the same time of the denial, the claimant's address was corrected and the case was transferred to [REDACTED] County.

- (6) Claimant has a Food Assistance Program case active in ██████████ County from July 28, 2009 to present.
- (7) The department caseworker conceded on the record that the department did not consider whether or not claimant met the criteria for disability Medical Assistance benefits.
- (8) On January 13, 2010, ██████████ filed a request for a hearing to contest the department's negative action.

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).

In the instant case, the department conceded on the record that it did not consider claimant for Medical Assistance benefits based upon based upon disability. Therefore, the department's decision must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has not established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's Adult Medical Program and failed to consider whether or not claimant was eligible for Medical Assistance benefits based upon disability.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's July 9, 2009, application and retroactive Medical Assistance application. The department shall give claimant the opportunity to provide verification information in accordance with department policy. Once the verification information has been provided, the department shall send the claimant's medical records to the Medical Review Team for a determination of disability or lack thereof.

Landis

/s/ _____
Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 8, 2010

Date Mailed: September 8, 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.

LYL/alc

cc:

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