

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.: 2010-39067
Issue No.: 2012
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 21, 2010
DHS County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 21, 2010. Claimant did not appear, and [REDACTED], appeared and testified on his behalf. The Department of Human Services (DHS) did not appear.

ISSUE

Whether Claimant is entitled to Medical Assistance (MA or Medicaid) benefits?

FINDINGS OF FACT

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

1. In March 2009 Claimant was a recipient of Adult Medical Program (AMP) benefits.
2. On June 30, 2009, Claimant submitted a Retroactive Medicaid Application to DHS for Medicaid coverage effective March 19, 2009.
3. On August 18, 2009, September 29, 2009, and October 22, 2009, Claimant faxed request letters to DHS requesting that his application be processed.
4. On August 25, 2009, DHS registered Claimant's application and awarded continuing AMP benefits to Claimant.
5. Claimant was not notified that his AMP benefits were continued.

6. Claimant's application for the MA program was not processed.
7. On January 25, 2010 Claimant filed a Hearing Request with DHS.

CONCLUSIONS OF LAW

MA was established by Title XIX of the United States Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

In this case, Claimant, who was already receiving AMP benefits, seeks admission to the MA program. I must decide if he is eligible to apply for MA pursuant to DHS policy and procedure.

BEM 105, "Medicaid Overview," states that before an applicant can be eligible for AMP benefits, DHS must consider the person's eligibility for MA. It further states:

ADULT MEDICAL PROGRAM

ELIGIBILITY FOR OTHER MEDICAL PROGRAMS

AMP-H AND AMP-G

Clients eligible for MA or other DHS medical benefits are not eligible for AMP. BEM 640, p. 1 (bold print in original).

BEM 640 on page 5 provides a procedure for closing AMP benefits for a person who becomes eligible for full-coverage MA:

REPLACING AMP WITH FULL MA

AMP-H AND AMP-G

When an AMP recipient becomes eligible for full-coverage MA:

- close AMP effective the end of the current month, and
- open an MA case in Bridges effective the first day of the next month.

BEM 640, p. 5.

Based on the straightforward provisions of BEM 640, I find and conclude that DHS failed to perform the required procedures in processing Claimant's June 30, 2009, application. I find nothing in the record to establish that DHS considered whether Claimant was eligible for MA. There is no denial of MA in the record and there is no notice that Claimant was notified that he was denied.

I determine and conclude that DHS failed to consider whether Claimant was eligible for MA. DHS is REVERSED. DHS is ORDERED to process Claimant's June 30, 2009, Retroactive Medicaid Application, make a determination as to his eligibility for MA, and if he is found eligible, close Claimant's AMP benefits and open an MA case for him in accordance with all DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS is REVERSED. DHS is ORDERED to process Claimant's Retroactive Medicaid Application and determine his eligibility for Medicaid effective March 19, 2009, or other appropriate date, in accordance with DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2010

Date Mailed: October 27, 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

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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.

JL/pf

cc:

