

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg No. 2010-52838
Issue No. 2000
Case No. [REDACTED]
Hearing Date: February 21, 2012
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Tuesday, February 21, 2012. The Claimant did not appear; however, her Authorized Hearing Representative, [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's May 26, 2010 application for Medical Assistance?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking Medical Assistance ("MA") benefits, retroactive to February 2010, on May 26, 2010.
2. The Claimant noted on the application, and submitted medical records, that she was pregnant, or had been pregnant during the last three months. (Exhibits 1 and 2)
3. Effective July 24, 2009, the Office of Child Support ("OSC") had sanctioned the Claimant's case due to non-cooperation.

4. As a result of the sanction, the Department denied the Claimant's MA application.
5. On June 2, 2010, the Department notified the Claimant of the denial.
6. On August 27, 2010, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq.* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("RFT").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105. The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105. Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program, thus are categorized as either FIP-related or SSI-related. BEM 105. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. BEM 105. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive MA under FIP-related categories. BEM 105.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support ("OCS"), the Friend of the Court, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255. Cooperation is a condition of eligibility. BEM 255. Failure to cooperate without good cause results in disqualification. BEM 255. A disqualification will not begin or continue for a failure to cooperate when a pregnant woman meets all other eligibility factors during pregnancy and for two months after the pregnancy ends. BEM 255. Healthy Kids for pregnant women is a FIP-related Group 1 MA category. BEM 125. This program is available to a woman while she is pregnant and during the two calendar months following the month the pregnancy ends, regardless of the reason. BEM 125.

In this case, the Claimant/Representative checked on the May 26, 2010 application that she was pregnant, or had been pregnant over the last 3 months. In addition, the Claimant/Representative submitted medical records confirming the pregnancy. At this time, the Claimant was not cooperating with the OCS resulting in the Claimant's case

being sanctioned. In processing the application, the Department noticed the sanction and denied the application despite the fact that the Claimant was pregnant. During the hearing, the Department agreed to re-register and initiate processing of the May 26, 2010, retroactive to February 2010, under the Healthy Kids program. The Law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). Here, the Claimant/Representative agreed to the Department's proposed actions.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department's actions are upheld.

Accordingly, it is ORDERED:

1. The Department's denial of MA benefits is REVERSED.
2. The Department shall re-register and initiate processing of the May 26, 2010 application, retroactive to February 2010, in accordance with department policy.
3. The Department shall notify the Claimant, and her Authorized Hearing Representative, of the determination in accordance with department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 28, 2012

Date Mailed: February 28, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

