

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

IN THE MATTER OF:



Reg. No: 201111115  
Issue No: 2024  
Case No: [REDACTED]  
Hearing Date: April 19, 2011  
Ingham County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**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 April 19, 2011. The claimant appeared and testified.

**ISSUE**

Was disability medically established?

**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 Medicaid on June 22, 2010, was denied on September 9, 2010, per BEM 220, and requested a hearing on November 29, 2010.
- (2) Claimant indicated on her application that she lived in Ohio and had no intention of remaining in Michigan.

**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 facts above are undisputed:

To be eligible for Medicaid, a person must be a Michigan resident. BEM 200, p. 1.

Individual is a Michigan resident if either of the following applies: an individual is a Michigan resident if he lives in Michigan, except for temporary absence, and intends to remain in Michigan permanently or indefinitely, BEM 220, p. 1.

Based on the undisputed facts and the DHS policy above, the Claimant is ineligible for Medicaid.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that Medicaid eligibility based on residency was not established.

Accordingly, MA denial is UPHELD.

/s/

William Sundquist  
Administrative Law Judge  
For Maua D. Corrigan, Director  
Department of Human Services

Date Signed: May 9, 2011

Date Mailed: May 9, 2011

**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.

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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.

WAS/ar

cc:

