#### STATE OF MICHIGAN

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

IN THE MATTER OF:

Reg. No. 201118849 Issue No. 2001

Issue No. 2001 Case No.

Hearing Date: March 10, 2011

Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

## **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the c laimant's request for a hearing. After due notice, a telephone hearing was held on Marc h 10, 2011. The claimant ap peared and testified. On behalf of Department of Human Ser vices (DHS), appeared and testified.

#### ISSUE

Whether DHS properly denied Claimant's application dated 12/27/10 requesting Medical Assistance (MA) benefits due to Claimant's fail ure to meet an eligible content at a tegory for Medicaid and a freeze on enrollments for Adult Medical Program (AMP).

#### FINDINGS OF FACT

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

- On 12/27/10, Claimant submitted an Assi stance Application (Exhibit 1) to DHS requesting MA benefits.
- Claimant is a non-disabled and non-ca retaker male aged between 21 and 65 years.
- 3. On 1/13/11, DHS denied Claimant's reques t for Medicaid as Claimant failed to meet any of the eligible categories to receive Medicaid.

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4. On 1/13/11, DHS denied Claimant's request for AMP benefits because the program was not open to new enrollments.

5. On 1/21/11, Claimant requested a hearing disputing the denial of MA benefits.

## **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to indi viduals and families who meet fi nancial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who other wise would not have financial resources to purchase them.

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Sec urity Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq*.. Department polic ies are found in the Bridges Administrative Manual (BAM), the Bridges Elig ibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medic aid program is comprised of se veral sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI -related category, the person must be aged (65 or older), blind, disabled, ed, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretake relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

It was not disputed t hat Claimant does not meet the FIP-related or SSI-related MA categories. Accordingly, it is found t hat DHS properly denied Cla imant for Medicaid benefits. However, it must still be determined if Cla imant was eligible for MA benefit s through AMP.

DHS specialists are to determine if there is an enr ollment freeze in effect before considering eligibility for AM P benefits. BEM 640 at 1. AMP is a DHS program which has been opened for brief periods before DHS freezes the program from new applicants. Claimant applied for AMP benefits at a time when there was an enrollment freeze on the program. Accordingly, DHS properly denied Claimant eligibility for AMP benefits.

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### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS proper by denied Claimant's application dated 12/27/10 for Machine Abenefits. The actions taken by DHS are AFFIRMED.

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 03/16/11

Date Mailed: 03/18/11

**NOTICE**: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CG/dj

CC:

