

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA) on [REDACTED]. The Department failed to verify his citizenship status, or that he had applied for Supplemental Security Income (SSI) benefits.
2. On [REDACTED] the Medical Review Team (MRT) determined that the Claimant is not eligible for Medical Assistance (MA) and State Disability Assistance (SDA) because he is not disabled. The Medical Review Team (MRT) reviewed the Claimant's medical history for mental disability only.
3. On [REDACTED], the Claimant was approved for Medical Assistance (MA) and State Disability Assistance (SDA) by the State Hearing Review Team (SHRT).

4. On [REDACTED], the State Office of Administrative Hearings and Rules (SOAHR) ordered the Department to implement the determination of the State Hearing Review Team (SHRT).
5. On [REDACTED], the Department determined that the Claimant's application for [REDACTED] (SSI) benefits was denied on [REDACTED] because he is an ineligible alien.
6. The Social Security Administration has no records of any earnings by the Claimant.
7. The Social Security Administration records indicate that the Claimant is not a U.S. Citizen.
8. The Department has approved the Claimant for Emergency Services Only (ESO) Medical Assistance (MA) since [REDACTED].
9. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of Medical Assistance (MA) and State Disability Assistance (SDA).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Citizenship and identity must be verified for clients claiming U.S. citizenship for applicants and recipients of Medical Assistance (MA) and State Disability Assistance (SDA). BAM 130.

When an applicant for Medical Assistance (MA) claims to be a U.S. citizen, and all other eligibility factors are met, the Department will certify benefits. Once the case has been open and coverage entered in Bridges, verification of citizenship and identity must be completed. BAM 130. The Department will attempt to verify citizenship and identity through a data match such as the Social Security Administration. BAM 130. Allow the beneficiary 90 days to provide the required verifications, and if no documentation is provided at the end of the 90 days, the beneficiary should be disenrolled from Medical Assistance (MA) within 30 days. BAM 130.

In this case, the Claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA) on June 8, 2008. The Department failed to verify his citizenship status, or that he had applied for Supplemental Security Income (SSI) benefits.

On [REDACTED] the Claimant's case was reviewed and submitted for evaluation by the Medical Review Team (MRT). On [REDACTED], the Medical Review Team (MRT) determined that the Claimant was not eligible for Medical Assistance (MA) and State Disability Assistance (SDA) because he is not disabled. The Medical Review Team (MRT) reviewed the Claimant's medical history for mental disability only.

The Claimant requested a review of the Medical Review Team's determination, and on [REDACTED] 2010, the Claimant was approved for Medical Assistance (MA) and State Disability Assistance (SDA) by the State Hearing Review Team (SHRT). On [REDACTED] the State Office of Administrative Hearings and Rules (SOAHR) ordered the Department to implement the determination of the State Hearing Review Team (SHRT).

On [REDACTED] the Department determined that the Claimant's application for Supplemental Security Income (SSI) benefits was denied on [REDACTED] alien. The Social Security Administrations has no records of any earnings by the Claimant or that he is a U.S. Citizen.

On [REDACTED] Assistance (MA) except for [REDACTED] (ESO) Medical Assistance (MA).

The Claimant argued that he has been a permanent resident of the United States since [REDACTED], and that he should be eligible for Medical Assistance (MA).

The Department has provided the Claimant with well over a [REDACTED] period to verify his citizenship status and the Claimant has been unable to demonstrate that he qualifies for benefits. The Department's efforts to verify his citizenship status with the Social Security Administration have revealed that he is not a U.S. Citizen.

The Claimant argued that because the Medical Review Team (MRT) determined that he is disabled, that denying Medical Assistance (MA) to him is a severe hardship to him.

However, the claimant's grievance centers on dissatisfaction with the department's current policy. The claimant's request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations, or make exceptions to the department policy set out in the program manuals. Furthermore, administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. *Michigan Mutual Liability Co. v Baker*, 295 Mich 237; 294 NW 168 (1940).

Based on the evidence and testimony available during the hearing, the Department has established that it properly limited the Claimant's Medical Assistance (MA) to

Emergency Services Only (ESO) and denied the Claimant's application for State Disability Assistance (SDA).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) eligibility.

The Department's Medical Assistance (MA) and State Disability Assistance (SDA) eligibility determination is AFFIRMED. It is SO ORDERED.

____/s/ _____


Date Signed: __4/7/11_____

Date Mailed: __4/7/11_____

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 60 days of the filing of the original request.

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.

