

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: 201120572
Issue No: 2006
Case No: [REDACTED]
Load No: 8282027103
Hearing Date:
[REDACTED]
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on [REDACTED].

ISSUE

Was the claimant's MA case properly denied for failing to attend a scheduled examination?

FINDINGS OF FACT

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

- (1) Client was a MA applicant in Wayne County.
- (2) On [REDACTED] claimant was sent for an internal medical examination by the MRT.
- (3) Claimant never received this notice.
- (4) Claimant has had trouble receiving these types of notices in the past.

- (5) Claimant did not attend the examination.
- (6) On [REDACTED], claimant's MA application was denied for failing to attend the examination.
- (7) On [REDACTED] claimant filed a request for hearing.

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) and the Bridges Reference Manual (BRM) and Reference Tables (RFT).

MA applicants are required to attend scheduled MA examinations. Failure to do so without good cause can result in application denial. BEM 260.

In the current case, the Department contends that claimant did not attend her examination.

Claimant contends that she did not receive the notice of examination; therefore, she was unable to attend the examination.

While the undersigned believes the packet was mailed, the undersigned also believes that the claimant did not receive the examination notice in question.

The Administrative Law Judge has determined that the claimant is credible, and thus finds her statement credible that she did not receive the forms in question.

Furthermore, the claimant's demeanor, manner and testimony at the hearing painted a picture of credibility, and the undersigned, as the principal finder of fact, is willing to


accept claimant's version of events. Claimant further testified that she has had difficulty in receiving other packets from DHS. Therefore, for these reasons, the undersigned finds that claimant did not receive the examination notice; the Department should reschedule the examination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny claimant's application was incorrect.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reregister claimant's MA application in question back to the date of application, and reschedule claimant for any necessary medical examinations.


Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 04/22/11

Date Mailed: 04/25/11

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 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.

RJC/dj

cc:

[REDACTED]

Wayne County DHS (Dist #82) / DHS-1843

[REDACTED]

Administrative

Hearings