

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: 20112453
Issue No: 2009
Case No: [REDACTED]
Hearing Date: February 10, 2011
Houghton County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 three-way telephone conference hearing was held on February 10, 2011. Claimant did not appear. Claimant's representative-[REDACTED]-appeared by three-way conference telephone.

ISSUE

Did the DHS properly deny claimant's MA-P application?

FINDINGS OF FACT

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

1. On June 8, 2010, [REDACTED] applied for MA and retro MA with the Michigan DHS.
2. The DHS subsequently issued a Verification Checklist and a letter scheduling claimant for an in-person interview on June 28, 2010.
3. Claimant appeared for the in-person interview. [REDACTED] did not appear. At that interview, claimant signed a statement stating in part that he was withdrawing his request for disability Medicaid as he did not consider himself disabled, was collecting unemployment, and was ready, and willing to work.
4. On June 30, 2010, the DHS issued a denial notice indicating claimant did not meet any of the disability criteria under BEM 260.
5. On September 16, 2010, [REDACTED] requested a hearing.

6. [REDACTED] stipulated to the facts herein at the administrative 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

As noted in the Findings of Fact, [REDACTED] stipulated to the facts herein. [REDACTED] did not make a case indicating that clearly claimant did not want to pursue disability Medicaid. Thus, the department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's actions are UPHELD.

/S/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 14, 2011

Date Mailed: February 14, 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.

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.

20112453/jgs

JGS/db

cc:

