

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201125010
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: April 20, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on April 20, 2011. The Claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On November 30, 2010, the Claimant applied for MA.
2. On February 4, 2011, the Medical Review Team (MRT) requested that the Claimant undergo an internal exam.
3. On February 14, 2011, the Department scheduled the internal exam for February 23, 2011. The Claimant failed to show.

4. On March 1, 2011, the Department denied the Claimant's MA application.
5. On March 15, 2011, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) 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).

At the hearing the Claimant testified that she had qualified for SSI. This may in fact cause the Department to qualify the Claimant for MA as well. However, it does not overcome the need for the Claimant to provide certain documents or perform certain functions before this status was known. The Department scheduled an exam for the Claimant and she failed to appear for the scheduled exam.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer when they need your help to obtain it. Such help includes the following:

Scheduling medical exam appointments
Paying for medical evidence and medical transportation

See [BAM 815](#) and [BAM 825](#) for details.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance. (BEM 260, p. 4).

In the instant case, this ALJ finds that the Claimant did not perform the requirements necessary for her to qualify for MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and

conclusions of law, AFFIRMS the Department's actions in the instant case.



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

Date Signed: May 19, 2011

Date Mailed: May 19, 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 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.

MJB/hw

cc:


Macomb County DHS (20)


Administrative Hearing System