

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No: 201125011
Issue No: 2006
Case No: ██████████
Hearing Date: September 20, 2011
Genesee County DHS-00

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a 3 way telephone hearing was held on September 20, 2011. The Claimant's Authorized Hearings Representative ██████████ through ██████████ appeared by telephone and testified. The Department was represented by Wanda Cayman-Todd, Assistance Payments worker.

ISSUE

Whether the Department was correct to deny Claimant's Medical Assistance application for failing to provide verifications?

FINDINGS OF FACT

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

- (1) Claimant applied for MA-P benefits.
- (2) Appointments with an Internist and a Psychologist were scheduled for Claimant on December 2, 2010 and November 8, 2010.
- (3) Claimant missed those appointments in part because he was incarcerated as of November 16, 2010.
- (4) Claimant's MA application was denied on November 18, 2010 for failing to cooperate.
- (5) Claimant requested hearing on February 14, 2011 contesting the denial of the MA application.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Pursuant to Federal Rule 42 CFR 435.540, the Family Independence Agency uses the federal Supplemental Security Income (SSI) policy in determining eligibility for disability under the Medical Assistance program. Under SSI, disability is defined as:

...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.... 20 CFR 416.905.

Pursuant to Department policy, 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. BEM 260

Under Social Security Administration regulations, if an individual fails to cooperate by appearing for a physical or mental examination by a certain date without good cause, there will not be a finding of disability. 20 CFR 416.994(b)(4)(ii).

In the present case, Claimant has failed to cooperate by failing to appear for a scheduled medical examination. Pursuant to federal regulation and Department policy his application must be denied. BEM 260, 20 CFR 416.994(b)(4)(ii).

In the present case, Claimant's Representative argued that the Department had sufficient information to make a determination of eligibility pursuant to BAM 815 and that the existing medical records should have been forwarded to the Medical Review Team. Claimant's Representative further argued that the medical appointments should have been rescheduled for a period of time after Claimant's release from incarceration. These arguments are not persuasive.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that Claimant is NOT DISABLED and therefore the Department's denial of his application for Medical Assistance is AFFIRMED.



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

Date Signed: October 18, 2011

Date Mailed: October 18, 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.

AM/tg

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