

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011 29515
Issue No: 2018
Case No: [REDACTED]
Hearing Date:
June 1, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a hearing was conducted in Detroit, Michigan on Monday, June 1, 2011. The Claimant appeared and testified. The Claimant's Authorized Representative, [REDACTED] appeared and testified on behalf of the Claimant. Melinda Trawick, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance.

FINDINGS OF FACT

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

1. The Claimant applied for Medical Assistance 3/7/11.
2. The Department denied the application on 3/28/11.

3. The Department denied the Claimant's application because the Claimant was not blind, disabled, under 21 or a parent/caretaker relative of a dependent child. Exhibit 2
4. The Department did not provide a budget to support its denial of the Claimant's application for Medical Assistance.
5. The Claimant attached a medical consultation regarding her need for union surgery.
6. The Claimant did not recall whether she requested medical assistance on the basis of disability.
7. The Claimant was 55 years of age.
8. The Department could not determine the specific Medical Assistance program it denied, did not produce the Claimant's application, and did not have the case file at the hearing.
9. The Claimant requested a hearing on April 13, 2011, protesting the denial of her application for Medical Assistance.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM")- currently the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM") currently the Bridges Program Glossary ("BPG").

In this matter, the Department denied the Claimant's application for Medical Assistance but did not provide any proof that could be reviewed at the hearing to determine whether its application denial was correct and the basis for the denial.

The Department did not have the file at the hearing and only provided the Notice of Case Action it issued, which provides the conclusion reached by the Department. No

budget information was provided to support the denial, and the Department did not provide the application so that it could be reviewed to determine whether the Claimant applied for Medical Assistance based on disability.

Based upon the hearing record, the documentary evidence provided at the hearing, and the testimony of the witnesses, the Department did not sustain its burden of proof to demonstrate that it correctly denied the Claimant's application. Therefore, the Department's denial of the application by Notice of Case Action dated March 8, 2011 is reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department did not sustain its burden of proof to support its basis for the denial of the Claimant's application for Medical Assistance and therefore its denial of the Claimant's application for Medical Assistance is REVERSED.

Accordingly, it is ORDERED:

1. The Department shall reinstate and reprocess the Claimant's application for medical assistance dated March 7, 2011, and shall determine the Claimant's eligibility for Medical Assistance.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 06/23/11

Date Mailed: 06/24/11

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.

LMF/dj

cc:

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