

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

IN THE MATTER OF:



Reg. No.: 2011-31618
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: June 15, 2011
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held in Detroit, Michigan on June 15, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (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 April 1, 2011, the claimant applied for MA.
2. On April 6, 2011, the Department notified the claimant that she was not eligible for full MA due to income.
3. On April 6, 2011, the Department sent the claimant a verification checklist, requesting various pieces of information/documentation, due by April 18, 2011.
4. On April 12, 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 MC L 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case the Claimant questions the denial of her MA.

To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled.

Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. (BEM 105, p.1).


At the hearing the Department claimed that the claimant does not qualify under any of the above categories. However, the claimant, in her hearing request and according to the Department, on her MA application claims disability. The Department then began a process to determine if the claimant would qualify based on her income and sent her a verification checklist due April 18, 2011.

The Department should have acted on the disability claim and provided the claimant with the proper forms and instructions to reach a decision on that basis. It could have also resolved or addressed the income issue simultaneously. Instead the Department focused on the income aspect of this case and made no attempt to qualify or disqualify the claimant based on disability. In fact the Department states in its hearing summary that "Ms. Chalmers is not disabled."

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister the claimant's April 1, 2011 MA and retroactive MA applications.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 3, 2011

Date Mailed: August 3, 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.

MJB/cl

cc:

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