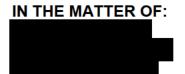
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg. No.: 2011-31618

Issue No.: 2007

Case No.:

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.

<u>ISSUE</u>

Did the Department of Hum an 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 Depar tment notified the claimant that she was not eligible for full MA due to income.
- 3. On April 6, 2011, the D epartment 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 estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode of Federal Regulations (CFR). The

Department of Human Services (formerly kn own 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), b lind, disabled, entitled to Medicare or formerly blind or disabled.

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

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

The Department should have ac ted on the dis ability claim and provid ed the claimant with the proper forms and instructions to reac h 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, RE VERSES AND ORDERS the Department to reregister the claimant's April 1, 2011 MA and retroactive MA applications.

Michael Administrative for Department

Date Signed: August 3, 2011

Date Mailed: August 3, 2011

i. Bennane

Law Judge Maura Corrigan, Director of Human Services **NOTICE**: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

