

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-3569  
Issue No.: 2000  
Case No.: [REDACTED]  
Hearing Date: January 26, 2011  
Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

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 telephone hearing was held on January 26, 2011. [REDACTED] of [REDACTED] ([REDACTED]) appeared and testified as Claimant's authorized hearing representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly failed to consider Claimant's eligibility for all potential Medical Assistance (MA) programs.

**FINDINGS OF FACT**

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

1. On 6/28/10, Claimant submitted an Assistance Application requesting MA benefits retroactively to 5/2010.
2. DHS lost Claimant's Assistance Application dated 6/28/10.
3. DHS processed Claimant's application for Adult Medical Program (AMP) benefits but not any other MA programs.
4. On 9/1/10, Claimant's AHR requested a hearing disputing the failure by DHS to consider Claimant for any MA programs other than AMP.

### **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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. 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. *Id.* 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. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

Clients may qualify under more than one MA category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105 at 2.

In the present case, DHS processed Claimant's Assistance Application for AMP benefits but failed to consider Claimant's eligibility for any other MA programs. DHS assumed Claimant's lack of eligibility for MA programs other than AMP after Claimant's Assistance Application was misplaced. DHS conceded that the assumption was improper. DHS also conceded that Claimant should be provided the opportunity to resubmit the Assistance Application so that DHS may properly consider all appropriate MA categories. Claimant's AHR agreed that this opportunity would resolve the issue in dispute. The undersigned is inclined to accept the agreement between Claimant's AHR and DHS as it appears to conform to DHS regulations.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits dated 6/28/10. It is ordered that DHS reinstate Claimant's Assistance Application dated 6/28/10 and that DHS process the application in accordance with its regulations. DHS

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shall request to replace the lost application in writing and in compliance with their regulations. The actions taken by DHS are REVERSED.

*Christian Gardocki*

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

Date Signed: 1/31/2011

Date Mailed: 1/31/2011

**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.

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