

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-37811

Issue No: 2024

[REDACTED]

Genesee County DHS-02

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on July 26, 2011. The Claimant's representative [REDACTED] Associates through [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in processing Claimant's Medical Assistance application due to concurrent receipt of benefits?

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 benefits on February 4, 2011.
- (2) Claimant had active MA coverage in the state of Texas for February 2011.
- (3) The Medicaid program in the state of Texas was billed for Claimant's hospital stay in Michigan. The billing remains pending.
- (4) Claimant's MA case in Michigan was activated March 1, 2011.
- (5) MA benefits were approved and active for August 2009 going.

- (6) Claimant requested a hearing on May 19, 2011 contesting the processing of MA benefits arguing that Claimant was eligible for MA in Michigan in February 2011.

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). 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 (DHS or department) 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).

Department policy dictates how to review suspected concurrent receipt of benefit:

MA Benefits MA and AMP Only

Assume an MA or AMP applicant is **not** receiving medical benefits from another state unless evidence suggests otherwise. Do **not** delay the MA/AMP determination. Upon approval, notify the other state's agency of the effective date of the client's medical coverage in Michigan. BEM 222

In the present case, Department policy requires an assumption that a Claimant is not receiving MA from another state unless evidence suggests otherwise. BEM 222 The Department had good reason to suspect that Claimant was receiving MA from another state because she was in fact doing so and the Department was able to confirm it. Claimant argued at hearing that coverage should be active in Michigan for February 2011 because Department policy does not preclude concurrent receipt of benefits in two states for Medical Assistance. This argument is unpersuasive.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the processing of Claimant's MA application, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 8/23/11

Date Mailed: 8/23/11

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 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/ds

