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

#### IN THE MATTER OF:



ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

#### **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 20, 2011. Participants on behalf of Claimant included . Participants on behalf of Department of Human Services (Department) included .

# **ISSUE**

With respect to the Medical Assistance (MA) and State Disability Assistance (SDA) application, did the Department properly deny Claimant's application?

## **FINDINGS OF FACT**

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

- Claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA) benefits on December 29, 2009. (Hearing Summary).
- 2. The Department denied Claimant's application because at the time of application the AMP program was closed to new enrollment. (Hearing Summary).
- Claimant's request for SDA was processed by sending his application to the Medical Review Team. The Medical Review Team requested additional medical documentation and an appointment was scheduled for Claimant to see an Internist. Claimant failed to attend the appointment because he was and is presently incarcerated. (Hearing Summary).
- 4. On January 23, 2010, the Department sent notice of the denial to Claimant. (Hearing Summary).

5. On November 24, 2010, Claimant filed a hearing request, protesting the denial of the application. (Hearing Summary).

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

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In this case, the department admitted that there was no record of a Verification Checklist or Appointment Notice being mailed to the Claimant or Claimant's representative. Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department failed to properly process Claimant's MA and SDA application.

# **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department id not act properly in denying Claimant's request for MA and SDA.

Accordingly, the Department's AMP decision is REVERSED and the department shall properly process Claimant's MA and SDA application in accord with policy.

<u>/S/</u>

Vicki L. Armstrong Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: 10/25/11

Date Mailed: 10/25/11

**NOTICE**: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

#### VLA/ds

