

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-48166
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: October 26, 2011
DHS County: Oakland (02)

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 [REDACTED] from Detroit, Michigan on October 26, 2011. The Claimant was present, testified [REDACTED] and was represented by her [REDACTED].

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. The Claimant, applied for MA but did not claim disability.
2. On June 15, 2011, the Department denied the claimant's MA application.
3. On June 22, 2011, the claimant filed 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 MCL 400.105.

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

During the hearing the Department produced a portion of the claimant's MA application stating she was able to work. This statement disqualifies the claimant from establishing disability. The Department testified that the Adult Medical Program (AMP) which does not demand disability for qualification was closed at the time the claimant applied for benefits.

Here, the claimant stated on her MA application that she was able to work.

Disability

A person is **disabled** when **all** of the following are true:

He has a medically determined physical or mental impairment.

His impairment prevents him from engaging in any substantial gainful activity.

His impairment

Can be expected to result in death, or

Has lasted at least 12 consecutive months, or

Is expected to last at least 12 consecutive months.

(BEM 260, p. 8).

This Administrative Law Judge finds that the Department was correct in denying the claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 10, 2011

Date Mailed: November 10, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MJB/cl

cc:

