

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-53801
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: November 28, 2011
DHS County: Monroe

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, an in-person hearing was held on November 28, 2011, in Monroe, MI. Claimant appeared and testified. Claimant was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (DHS or Department) properly denied Claimant's application for Medical Assistance (MA)?

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 January 31, 2011, Claimant applied for MA including a request for retro MA.
2. On June 1, 2011, the Medical Review Team requested additional medical documentation.
3. On [REDACTED], the Social Security Administration (SSA) exam was scheduled to be completed. Claimant failed to attend this appointment.
4. On July 20, 2011, the Department was informed the Claimant failed to appear for her SSA scheduled appointment.
5. On July 28, 2011, the Department denied Claimant's application for failure to attend the SSA medical exam.

6. On September 6, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

The 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 administers MA 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 Bridges Reference Manual (RFT).

In the instant case, the Department denied Claimant's application due to her failure to attend a medical appointment scheduled by the Social Security Administration (SSA). Claimant testified she was scheduled by SSA to attend an exam on [REDACTED], and she had to reschedule. Claimant testified she was unable to attend the [REDACTED] appointment due to transportation issues. Claimant rescheduled the appointment and missed that appointment due to her son being hit by a car and hospitalized. Claimant testified she was able to reschedule these medical exams and did, in fact, attend the SSA appointments. Claimant testified she was subsequently denied by SSA but not for failing to attend appointments.

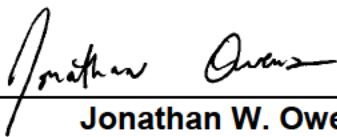
The Department improperly utilized BEM 260 regarding missed appointments. The policy referenced as support for the Department's decision applies to medical exams scheduled by the Department not by another agency. Regardless, Claimant actually did complete the exams.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department improperly denied Claimant's application.

Accordingly, the Department's decision is hereby REVERSED and the Department is ORDERED to:

1. Re-register and process Claimant's application dated January 31, 2011;
2. Inform Claimant of the determination in writing.


Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 6, 2011

Date Mailed: December 6, 2011

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. (60 days for FAP cases)

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.

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

JWO/pf

cc:

