

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20115575
Issue No.: 2003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 12, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

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 January 12, 2011. The Claimant's Authorized Hearings Representative, [REDACTED], appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA application?

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 Medicaid on February 24, 2010.
- (2) Claimant's application was denied on March 1, 2010 because Claimant did not meet the eligibility requirements for Medicaid.

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- (3) Claimant was born February 17, 1989.
- (4) Claimant was hospitalized from February 3, 2010 to February 7, 2010.
- (5) Claimant requested a hearing on August 26, 2010 contesting the denial of her Medicaid application.

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).

Department policy explains how age is interpreted: Age is an eligibility factor for FIP, SDA, RAP, CDC, AMP, and certain MA types of assistance. An individual remains eligible with respect to age for the entire month in which they reach the maximum age. Bridges evaluates age as an eligibility factor at application, redetermination and whenever an individual reaches an age limit defined in policy below. BEM 240.

MA is available to a person who is under age 21 and meets the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. BEM 132.

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In the present case, Claimant's Representative argues that Claimant was under 21, pursuant to Department policy for the entire month of February. The Department argued that Claimant had to be under 21 before she applied, because she was over 21 when she applied she is not eligible. Department policy clearly states MA is available to a person who is under 21. BEM 132. Claimant was not under 21 at the time of application and therefore was not eligible at the time of application. Therefore the Department's denial was proper and correct.

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 denial 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: February 7, 2011

Date Mailed: February 7, 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.

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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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