

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-16621  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: February 24, 2011  
Oakland County DHS (02)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on February 24, 2011. The claimant appeared and testified; [REDACTED] [REDACTED] appeared as Claimant's translator and Authorized Hearing Representative (AHR). On behalf of Department of Human Services (DHS), [REDACTED] [REDACTED] Manager, appeared and testified.

**ISSUE**

Whether DHS properly denied Claimant's application dated 10/21/10 for Medical Assistance (MA) benefits.

**FINDINGS OF FACT**

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

1. On 10/21/10, Claimant applied for MA benefits.
2. Claimant's Assistance Application stated that no persons in Claimant's household were blind or disabled (see Exhibit 5).
3. Claimant is aged between 21-54 years and neither pregnant, blind nor a caretaker of minor child.
4. DHS determined that Claimant was not eligible for any MA programs other than Adult Medical Program (AMP) benefits.
5. On 11/1/10, DHS denied Claimant's eligibility for AMP benefits (see Exhibit 2) due to excess income.

6. On 11/1/10, DHS mailed a Notice of Case Action (Exhibit 1) informing Claimant of the denial of AMP benefits.
7. On 1/7/11, Claimant requested a hearing concerning “medical and paying bills”.
8. Claimant’s hearing request also indicated a dispute of Food Assistance Program (FAP) benefits which Claimant states is no longer a disputed issue

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

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et seq.. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories.

It was not disputed that Claimant failed to meet any of the qualifying categories for Medicaid eligibility other than possibly being a disabled individual. Claimant gave some

testimony that indicated he believed that he was disabled. DHS submitted Claimant's Assistance Application dated 10/21/10. One section of the application states, "List any person in your household who is blind or has a disability." In response, Claimant checked the box, "none" and did not list any persons that were disabled in his household.

DHS can only determine whether a client is disabled based on statements made by Claimant. It is reasonable for DHS to rely on Claimant's own application statement that he does not consider any persons in his house to be disabled. There would be no basis for DHS to consider Claimant's eligibility for Medicaid based on being disabled if Claimant failed to inform DHS that he considered himself to be disabled. It is found that DHS properly did not consider Claimant's eligibility for Medicaid based on a claim of disability as DHS had no basis to believe that Claimant thought himself disabled. As Claimant had no other basis to receive Medicaid, it is also found that DHS properly did not evaluate Claimant for ongoing Medicaid.

However, it must still be determined if Claimant was eligible for benefits through AMP. AMP is a program which offers medical coverage less than Medicaid to clients that do not meet any of the qualifying categories for Medicaid.

Income eligibility for AMP exists when the program group's countable monthly income does not exceed the program group's AMP income limit. BEM 640 at 3. The AMP monthly income limit for a group of two (Claimant and his spouse) is \$425. RFT 236 at 1. Claimant's countable group income (\$959) exceeds the AMP program income limit. Accordingly, Claimant is not income-eligible for AMP benefits and DHS properly denied AMP benefits to Claimant.

As discussed during the hearing, Claimant is encouraged to reapply for MA benefits and to assert a disability if he considers himself to be disabled. Claimant may seek retroactive medical assistance for up to three months prior to the application month.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application 10/21/10 for Medical Assistance. The actions taken by DHS are AFFIRMED.

*Christian Gardocki*

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Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

201116621/CG

Date Signed: 3/1/2011


Date Mailed: 3/1/2011

**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.

CG/jlg

cc:

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