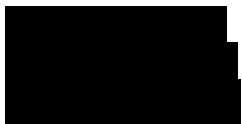


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-18857
Issue No: 2024



St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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, a telephone hearing was held on May 18, 2011. The claimant did not appear, but was represented by Advomas.

ISSUES

Did the department properly deny the 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. The claimant applied for FIP/FAP/MA on November 8, 2010.
2. The claimant indicated to the case worker that the family had been receiving benefits in Missouri.
3. The department worker completed an Out-of-State Inquiry (DHS-3782) and submitted it to Missouri on November 8, 2010. A Missouri department worker completed the form and signed it on November 15, 2010. The form indicated that the client's family received TANF, Medical Assistance and Food Stamps and were active for all benefits through November 30, 2010. (Department Exhibit 1)

4. The department mailed the claimant a Notice of Case Action (DHS-1605) on November 23, 2010 that indicated the MA application had been denied (although the clients' were approved for the Adult Medical Program in error). (Department Exhibit 2 – 5)
5. The claimant's representative submitted a hearing request on January 14, 2011.

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 Program Reference Manual (PRM).

Department policy prohibits the concurrent receipt of benefits, or assistance received from multiple programs to cover a person's needs for the same time period. BEM 222. Benefit duplication is prohibited except for MA and FAP in limited circumstances. BEM 222. Department policy instructs workers to assume an MA or AMP applicant is not receiving medical benefits from another state unless evidence suggests otherwise. Department workers are instructed not to delay the MA/AMP determination. Upon approval, the department worker is to notify the other state's agency of the effective date of the client's medical coverage in Michigan. BEM 222.

The claimant's representative is disputing the denial of MA for the claimant. The department denied the MA application because the client was eligible for MA benefits in the State of Missouri until November 30, 2010. Department policy prohibits the concurrent receipt of benefits, except in limited circumstances. As the clients' circumstances were not specified in department policy, the department denied the application.

The claimant indicated on the Michigan assistance application that the family was receiving benefits from the [REDACTED] for the month of November. This provided evidence to the department that the clients were receiving medical benefits in another state. Thus, the case worker performed an Out-of-State Inquiry, which is the appropriate verification for out-of-state receipt of benefits. BEM 222. The inquiry showed the clients were receiving TANF, MA and FAP from the [REDACTED] through November 30, 2010.

The department also requested policy clarification from the MA policy unit. The MA policy unit clarified that MA eligibility does not exist for the month of November and that AMP coverage had been approved in error for the month of November.

This Administrative Law Judge finds no policy basis for the claimant and her family to be eligible for MA for the month of November, 2010 as the family was already receiving medical benefits in the State of Missouri. The department acted in accordance with department policy when denying the MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's MA application.

Accordingly, the department's determination is UPHeld. SO ORDERED.

_____/s/_____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/7/11

Date Mailed: 6/7/11

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.

SM/ds

