

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201124625
Issue No: 2018
Case No: [REDACTED]

Hearing Date:
May 25, 2011
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 21, 2011. After due notice, a telephone hearing was held on Wednesday, May 25, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Medical Assistance (MA) eligibility?

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 Department received the Claimant's application for Medical Assistance (MA) on January 13, 2011.
2. The Claimant reported on his application for assistance that no one in his household is physically or mentally unable to work full-time.
3. The Claimant reported on his application for assistance that no one in his household currently receives disability benefits.
4. On January 24, 2011, the Department notified the Claimant that it had denied his application for Medical Assistance (MA) because he does not meet the non-financial requirements of the program.

5. The Department received the Claimant's request for a hearing on January 24, 2011, protesting the Department's denial of his application for Medical Assistance (MA). The request was received 56 days after the Department sent its notice of case action.

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).

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA). BEM 105.

In this case, the Department received the Claimant's application for Medical Assistance (MA) on January 13, 2011. The Claimant reported on his application for assistance that no one in his household is physically or mentally unable to work full-time. The Claimant reported on his application for assistance that no one in his household currently receives disability benefits. On January 24, 2011, the Department notified the Claimant that it had denied his application for Medical Assistance (MA) because he does not meet the non-financial requirements of the program.

Persons may qualify under more than one Medical Assistance (MA) category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. BEM 105. Many of the categories of Medical Assistance (MA) are designated for pregnant women, family with minor children, senior, and disabled group members.

Based on the information the Claimant supplied on his application for assistance, the Claimant is not blind, pregnant, the parent of a minor child, and does not receive benefits from the Social Security Administration.

The Claimant is potentially eligible to receive benefits under the Adult Medical Program (AMP), but this program was frozen to new applications at the time the Department received the Claimant's application.

The Claimant is potentially eligible to receive Medical Assistance (MA) under a disability category if he is disabled.

The Department defines a person as disabled if they can be placed in to either of the following categories:

- A person that receives one of the following:
 - A federal, state or local public disability retirement pension and the disability is considered permanent under the Social Security Act.
 - Medicaid based on being blind or disabled (which require a disability determination by the medical review team (MRT) or Social Security Administration).
 - Railroad Retirement and is eligible for Medicare or meets the Social Security disability criteria.
- A person who receives or has been certified and awaiting their initial payment for one of the following:
 - Social Security disability or blindness benefits.
 - Supplemental Security Income (SSI), based on disability or blindness, even if based on presumptive eligibility. BPB 2011-02.

In this case, it appears that the Claimant reported to the Department that he was not disabled based on the fact that he had not been declared to be disabled. If the Claimant had requested that the Department make a determination as to whether he is disabled, it is possible that the Department would have found him to be disabled, and therefore eligible for Medical Assistance (MA) under a disability category.

However, that is not what happened in this case. Based on the Claimant's application for assistance, the Claimant did not claim to be disabled, and the Department denied his application for assistance because he does not meet the non-financial criteria for Medical Assistance (MA).

If the purpose of the Department's interview of the Claimant on January 24, 2011, was to fully evaluate the Claimant's circumstances, and match his needs with the services the Department is required to provide, then the Department failed.

However, based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it denied the Claimant's application for Medical Assistance (MA) on January 24, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Medical Assistance (MA) eligibility.

The Department's Medical Assistance (MA) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 27, 2011

Date Mailed: May 27, 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 60 days of the filing of the original request.

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.

KS/tg

cc:

