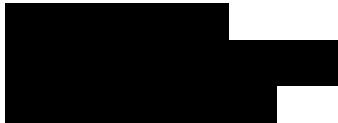


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:
Issue



Reg. No.: 2011-29065
No.: 2012
Case No.: [REDACTED]
Hearing Date: May 19, 2011
DHS County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on May 19, 2011. The Claimant, now deceased, was represented by his Authorized Representative (AR), L & S Associates.

ISSUE

Did the Department of Human Services (Department) properly process the Claimant's Medical Assistance (MA), and retroactive MA applications?

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 November 20, 2009, the Claimant's AR filed an application for MA and retroactive MA.
2. On June 9, 2010, the Department denied the Claimant's MA and retroactive MA applications.
3. On August 25, 2010, the Claimant's AR filed a request for a hearing requesting that the Department process the Claimant's MA applications.

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 (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).

CHOICE OF CATEGORY

Persons may qualify under more than one 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, p. 2)

In the instant case, the Department processed the Claimant's MA and retroactive MA applications for the Adult Medical Program.

At the hearing the Claimant's AR produced a copy of the Claimant's MA and retroactive MA applications that clearly show that the application listed persons as being disabled.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to reregister and process the Claimant's November 20, 2009, MA and retroactive MA applications for disability.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 21, 2011

Date Mailed: June 22, 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.

MJB/cl

2011-29065/MJB

cc:

