

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31787
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 1, 2011
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, June 1, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's September 17, 2010 Medical Assistance ("MA") application based on disability?

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 September 17, 2010, the Claimant submitted a public assistance application seeking MA and cash ("FIP") benefits.
2. The Claimant was approved for MA benefits based (in part) on having a minor child in the home.
3. The Claimant was approved for FIP benefits and required to participate in the Jobs, Education, and Training ("JET") program.
4. The Claimant indicated that she was physically and/or mentally unable to participate in the JET program.

5. The Department submitted the Claimant's medical records to the Medical Review Team ("MRT") for a determination of whether the Claimant was physically and/or mentally able to participate in the JET program.
6. On December 9, 2010, the MRT deferred the disability determination requesting additional medical evidence. (Exhibit 1, p. 12)
7. On March 31, 2011, the MRT found the Claimant capable of performing work-related activities. (Exhibit 1, pp. 13, 14)
8. On April 4, 2011, the Department notified the Claimant of the MRT determination. (Exhibit 1, p. 10)
9. On April 26, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 4)

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, ("MAC") R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903. A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. MAC R 400.904(1). A claimant shall be provided 90 days from the negative action notice. MAC R 400.902 - .904; BAM 600.

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

Disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. 20 CFR 416.905(a). The person claiming a physical or mental disability has the burden to establish it through the use of competent medical evidence from qualified medical sources such as his or her medical history, clinical/laboratory findings, diagnosis/prescribed treatment, prognosis for recovery and/or medical assessment of ability to do work-related activities or ability to reason and make appropriate mental adjustments, if a mental disability is alleged. 20 CFR 413.913.

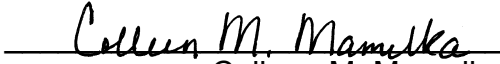
In this case, the Claimant submitted an application for cash and medical assistance specifically stating that she was disabled. During the hearing, there was some confusion regarding whether this case was a MRT denial for JET participation or whether the MRT denied the Claimant's application under the MA-P program. In review of the case, the Claimant was approved for MA based on having a minor child in the home, as opposed to being found disabled. The Claimant was also approved for FIP benefits and as such, was required to participate in the JET program. The Claimant indicated that she was physically and/or mentally unable to participate; therefore, the Department forwarded the Claimant's medical records to the MRT. The MRT found the Claimant able to participate with the JET program. In response, the Claimant filed a request for hearing. As detailed above, the Claimant has no right to a hearing over the MRT determination regarding JET participation because at that point, there was not any negative action taken by the Department. That being stated, the Claimant marked in her application that she was disabled and, thus, an eligibility determination under the MA-P program is warranted. To that end, the Department's actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department failed to act in accordance with Department policy when it failed to determine the Claimant's eligibility under the MA-P program.

Accordingly it is ORDERED:

1. The Department shall register and process the Claimant's September 2010 application to determine eligibility under the MA-P benefit program.
2. The Department shall notify the Claimant of the determination in writing and in accordance with Department policy.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.


Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 22, 2011

Date Mailed: August 22, 2011

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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.

CMM/cl

cc:

