

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-34312
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 24, 2011
Oakland County DHS (03)

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 a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, August 24, 2011. The Claimant did not appear; however, her Authorized Hearing Representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's application 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. The Claimant submitted an application for public assistance seeking MA benefits on February 22, 2011. (Exhibit 1A-S)
2. The Claimant listed himself as someone who is physically or mentally unable to work full-time. (Exhibit 1J)
3. The Claimant listed a minor child residing in the home. (Exhibit 1D)
4. The Department found the Claimant ineligible for the MA-N (or Low Income Family- LIF) benefits based on not being a caretaker of a minor child.

5. The Department found the Claimant ineligible for the Adult Medical Program (“AMP”) because the program was (is) closed for current enrollment.
6. The Department notified the Claimant of the determination.
7. On May 10, 2011, the Department received the Claimant’s timely written request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance program is established by the 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 Bridges Reference Tables (“RFT”).

The Adult Medical Program (“AMP”), the Low Income Family (“LIF”), and the Medicaid based on having a minor child(ren) in the home (“MA-N”), are part of the MA program. BEM 640; BEM 110; BEM 113. 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).

In this case, the Department properly found the Claimant ineligible for AMP benefits due to the current program freeze. The Department failed to consider the fact that the Claimant resided with his minor daughter and that he indicated that he was not able to work on a full-time basis due to a physical and/or mental impairment. In light of the foregoing, the Department should have considered eligibility under the LIF, MA-N, and MA-P (Medicaid based on disability). During the hearing, the Department conceded its error. The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24. 278(2). The Department agreed to re-register and initiate processing accordingly.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department failed to establish it acted in accordance with policy when it denied the Claimant’s MA application.

Accordingly, it is ORDERED:

2011-34312/CMM

1. The Department's determination is REVERSED.
2. The Department shall re-register and initiate processing of the February 22, 2011 application in accordance with Department policy.
3. The Department shall notify the Claimant, and his Authorized Hearing Representative, of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: September 14, 2011

Date Mailed: September 14, 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.

CMM/cl

cc:

