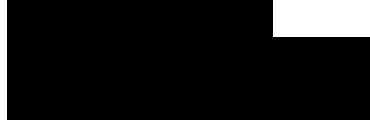


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-7946  
Issue No.: 2009/4001  
Case No.: [REDACTED]  
Hearing Date: January 3, 2011  
Wayne County DHS (35)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 held on January 3, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly failed to consider Claimant's claim of disability in evaluating Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA) benefits.

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant submitted an Assistance Application to DHS on 10/7/10 requesting SDA and MA benefits.
2. Claimant's application indicated that Claimant asserted being a disabled individual.
3. On an unspecified date, DHS denied Claimant's SDA benefits without considering Claimant's claim of disability.
4. On an unspecified date, DHS approved Claimant for Adult Medical Program (AMP) benefits.

5. On 10/27/10, Claimant requested a hearing concerning “an earnest appeal of wages, medical (adult), dental and optical.
6. On 11/15/10, Claimant requested a hearing concerning “monetary and all” programs.
7. Claimant testified that his hearing request concerned the coverage of his MA benefits.

### **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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant's primary argument was that though he was approved for MA benefits though AMP, the AMP coverage was insufficient for his needs. Specifically, Claimant contended that he should receive dental and optical medical coverage. The undersigned has no jurisdiction to consider complaints from clients concerning what is or is not covered by their respective MA program. Claimant is not entitled to an administrative remedy concerning the coverage of his MA benefits. Claimant is entitled to an administrative remedy concerning MA eligibility if there is a superior MA program for which Claimant is eligible.

Clients 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 at 2. Medicaid is considered to be a more beneficial MA program than AMP. This decision will consider whether DHS

properly evaluated Claimant for Medicaid coverage prior to approving Claimant for AMP benefits. Claimant's eligibility for SDA benefits shall also be considered.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 at 1. Claimant's only basis for receiving SDA benefits would be as a disabled individual.

One of the ways to be eligible for Medicaid through the MA program is for being a disabled individual. As Claimant is not pregnant, under 21 years old, over 65 years old or a caretaker of minor children, Claimant's only basis for Medicaid would be as a disabled individual. BEM 260 outlines the requirements for establishing a disability in order to receive Medicaid.

Though DHS has separate policy sections concerning the disability requirements for SDA and MA benefits, the policies are very similar. A client deemed disabled by the Social Security Administration (SSA) meets the SDA and MA benefit requirement for disability. A client not deemed disabled by SSA may be found disabled by DHS through the medical determination process.

The procedures for medical determinations are outlined in BAM 815. The first step in the determination is that the client must first claim a disability. In the present case, it was not disputed that Claimant asserted being disabled.

For SDA and MA benefits based on disability, once the client claims a disability, DHS is to interview the client and provide the client with a DHS-49-F, DHS-49-B, DHS-1555 and other medical forms necessary to determine whether the client is disabled. Though there was some indication that some of these forms were completed, DHS testimony indicated that they did not pursue a determination of MA or SDA benefits based on Claimant's assertion of disability. It should be noted that these documents were not presented as an exhibit so they may not be considered in the decision of the undersigned. Based on the DHS testimony, the undersigned is inclined to find that DHS erred by denying Claimant's SDA and MA benefits by failing to follow to consider Claimant's assertion of being a disabled individual.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA and SDA benefits dated 10/7/10. It is ordered that DHS reinstate Claimant's 10/7/10 application for SDA and MA benefits and to evaluate Claimant for both programs based on Claimant's assertion of disability.

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The actions taken by DHS are REVERSED.



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Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 1/18/2011

Date Mailed: 1/18/2011

**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.

CG/jlg

cc:

