

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

IN THE MATTER OF:



Reg. No.: 201233862
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 18, 2012
County: Wayne DHS (15)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 18, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits, in part, on Claimant's failure to assert a 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 1/20/12, Claimant submitted an Assistance Application (Exhibit 1) to DHS requesting MA benefits.
2. Claimant's application noted that he was in a drug treatment facility.
3. Where the application asked Claimant to, "List anyone applying for assistance who is physically or mentally unable to work full-time", Claimant checked the box marked "none" and left blank a space where persons could have been listed.
4. On 2/13/12, DHS denied Claimant's MA benefit application, in part, without considering whether Claimant was a disabled individual.

5. On 2/13/12, Claimant requesting a hearing to dispute the MA benefit application denial.

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). DHS 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 Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 at 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* Adult Medical Program (AMP) is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories. It was not disputed that Claimant fails to meet the qualifications for FIP-related MA benefits and that the AMP program was denied because the program is frozen to new enrollments.

Claimant alleged that DHS failed to consider whether he was eligible for MA benefits as a disabled individual. DHS conceded that MA benefits for Claimant based on disability were not considered. DHS contended that MA benefits based on disability were not considered for Claimant because Claimant did not claim to be physically or mentally unable to work, a prerequisite for being disabled. The DHS logic was sound; if Claimant failed to report to DHS that he is physically or mentally unable to work, then DHS would have no reason to consider Claimant to be potentially disabled.

Claimant noted that he informed DHS that he was in a drug treatment facility and that DHS could have considered his drug addiction as a basis for disability. Claimant's argument has no bearing on the primary issue. DHS has no logical reason to infer a claim of disability from reporting residency in a drug treatment facility. It is a client's duty to report a claim of disability on an Assistance Application; it is DHS' duty to follow-up on such a claim. It is not DHS' duty to infer a claim of disability after a client reports that he is neither mentally nor physically unable to work. Based on the presented evidence, it is found that DHS properly denied Claimant's application for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefit application dated 1/20/12. The actions taken by DHS are AFFIRMED.



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

Date Signed: June 22, 2012

Date Mailed: June 22, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

