

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201255915
Issue No: 2000
Case No: [REDACTED]
Hearing Date: August 29, 2012
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 August 29, 2012. The claimant's authorized representative (AR) [REDACTED], appeared on behalf of the claimant.

ISSUES

Whether the department properly denied the claimant's Medical Assistance (MA) application due to not being categorically eligible?

FINDINGS OF FACT

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

1. The claimant's AR applied for MA benefits on October 26, 2011.
2. The claimant's application was denied as it was determined that the claimant was not the caretaker of a minor child, was not over 65 years of age, and was not disabled.
3. The claimant's AR filed a request for hearing on May 17, 2012 protesting the denial of the claimant's MA application.

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 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. Medicaid is also known as Medical Assistance (MA).

In order to categorically eligible for MA benefits, an individual must meet certain criteria as defined in policy. In relation to who is categorically eligible for MA benefits, policy states as follows:

SSI-RELATED AND FIP-RELATED

The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

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.

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. BEM 105, page 1 (October 1, 2010).

In this case, it was determined that the claimant was not disabled for the purposes of establishing MA eligibility. The claimant's AR argued that the claimant should have been considered to be eligible as a caretaker of a minor child. However, the department representative credibly testified that he has personal knowledge of the claimant and his family through their cases at the department. He testified that to his knowledge the claimant has never lived at the same address listed for his child and the mother of his child and further testified that when the application was submitted, the claimant was incarcerated and therefore not living at the address listed on the application (see Department Exhibit 8). The department representative further testified that through all of the mother of the claimant's child's applications, she has never listed

the claimant as living in the household. The claimant's AR was not able to provide evidence to refute the testimony of the department representative. Accordingly, the Administrative Law Judge finds that the claimant did not meet the aforementioned categorical eligibility factors at the time of application. Therefore, the department acted properly in denying the claimant's application for MA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying the claimant's MA application.

Accordingly the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 11, 2012

Date Mailed: September 11, 2012

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 60 days of the filing of the original request.

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.

CSS/cr

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