

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201257955
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 8, 2012
County: Washtenaw DHS (20)

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, an in-person hearing was held on August 8, 2012 from Ypsilanti, Michigan. Participants included the above named claimant; [REDACTED] testified and appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits on the basis of Claimant not being eligible for an MA category.

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 3/2/12, Claimant applied for MA benefits.
2. Claimant's application noted that Claimant was not a disabled individual.
3. On 4/3/12 DHS denied Claimant's application for MA benefits on the basis that Claimant failed to meet an eligible MA category.
4. On 6/5/12, Claimant's AHR requested a hearing to dispute the MA 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 (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 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.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories though DHS does always offer the program to applicants.

Claimant's AHR implied in the hearing request that Claimant could be eligible for MA benefits by being a caretaker to minor children. During the hearing, the AHR conceded that Claimant was not eligible for MA benefits as a caretaker. The AHR contended that Claimant was potentially eligible for MA benefits as a disabled individual.

Claimant completed an online application requesting MA benefits. It was not disputed that Claimant responded in the negative to the application question asking whether he was blind or disabled (see Exhibit 1). Claimant testified that his answer was an innocent mistake. Based on Claimant's response to the disability application question, DHS processed Claimant's application as if he were not a disabled individual.

Claimant's AHR argued that a disabled client should be forgiven for an innocent mistake, especially when considering the generally confusing DHS application process. The question at issue as it is listed on the application was, "Blind or disabled?" This is not deemed to be a confusing question.

Claimant's AHR was also Claimant's authorized representative (AR) for the application process. The AR/AHR noted that DHS was contacted on 3/30/12 to inform DHS of their client representation and to see if they could be of assistance in the application process. The AHR suggested that the communication from 3/30/12 required DHS to communicate a response prior to the application denial. A vague offer of assistance did not create any obligation for DHS to contact the representative prior to the denial. DHS

had sufficient information to make a benefit decision and needed no assistance from the AHR. Accordingly, it is found that DHS had no obligation to contact the AHR prior to denying the application.

The AHR also noted that DHS failed to send a Notice of Case Action informing the representative of the denial. It was suggested that had Claimant's AR/AHR received a Notice of Case Action, then history might have changed and perhaps Claimant would have submitted another application alleging disability to cover certain retroactive MA benefit months. The lack of a Notice of Case Action to the AR/AHR is a theoretically relevant issue if a hearing was not timely requested. The lack of supposed notice to the AR/AHR had zero impact on Claimant's right to reapply, which is why it is perceived to be a non-issue. It is found that the alleged lack of notice to the AR is irrelevant to the application denial. Based on the presented evidence, DHS properly determined that Claimant was not eligible for MA benefits by not claiming to be a disabled individual.

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 application for MA benefits dated 3/2/12. The actions taken by DHS are AFFIRMED.



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

Date Signed: August 13, 2012

Date Mailed: August 13, 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

