

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201275702
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: May 15, 2013
County: Monroe DHS

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 May 15, 2013, from Monroe, Michigan. Participants included [REDACTED] on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application prior to evaluating Claimant for Medicaid based on 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 5/11/12, an application was submitted to DHS requesting MA benefits.
2. A Filing Form may, or may not, have been submitted to DHS in 4/2012.
3. Claimant's application noted that she was not able to work full-time, but could work part-time.
4. On 6/4/12, DHS denied Claimant's application by determining that Claimant failed to report being disabled.
5. On 8/29/12, Claimant requested a hearing to dispute the DHS determination.

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).

Prior to a substantive analysis of Claimant's AHR's hearing request, it should be noted that the request noted that Claimant required special arrangements to participate in the administrative hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was honored.

Claimant's AHR requested a hearing to dispute an MA application denial. It was not disputed that Claimant was only potentially eligible for MA benefits as a disabled individual. It was disputed whether Claimant reported a claim of disability to DHS.

DHS contended that Claimant's written statement from her application that she was able to work part-time, amounted to a concession that she is not disabled. DHS regulations outline the criteria for disability definition requirements. A person is disabled when all of the following are true:

- He/she has a medically determined physical or mental impairment.
- His/her impairment prevents him/her from engaging in any substantial gainful activity (SGA).
- His/her impairment:
 - Can be expected to result in death, or
 - Has lasted at least 12 consecutive months, or
 - Is expected to last at least 12 consecutive months.

BEM 260 (7/2012), p. 8.

The DHS basis for the application denial relies on Claimant being unable to perform SGA. DHS does not define SGA in their regulations, but SSA does. The 2012 monthly income limit considered SGA for non-blind individuals is \$1,010. A concession by Claimant that she can work part-time is not a concession that she can earn \$1010/month in employment income. It is found that DHS wrongly interpreted Claimant's application in such a way. As this was the only basis for the MA application denial, the denial must be reversed.

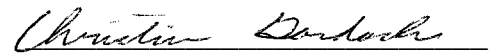
It should be noted that DHS alleged that Claimant was evaluated for a disability following the application denial. DHS also alleged that Claimant was deemed not disabled. If DHS already determined that Claimant is not disabled, then DHS still owes Claimant a written notice of denial so that Claimant or the AHR may appeal that decision.

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 benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit application dated 5/11/12, subject to the finding that Claimant adequately alleged a claim of disability; and
- (2) evaluate Claimant for MA eligibility based on disability, or if DHS already performed a disability evaluation, send Claimant and AHR notice of the evaluation outcome.

The actions taken by DHS are REVERSED.


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

Date Signed: 5/29/2013

Date Mailed: 5/29/2013

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.

201275702/CG

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:

