

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201275967
Issue No: 2001
Case No: [REDACTED]
Hearing Date: January 2, 2013
Genesee County DHS #6

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on August 9, 2012. After due notice, a telephone hearing was held on January 2, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist, with the department's Genesee County office.

ISSUE

Whether the Department of Human Services (department) properly determined Claimant's eligibility for 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. On July 30, 2012, Claimant applied for MA benefits. In her application, Claimant indicated, among other things, that she is employed and able to work and is not blind, pregnant, aged, or the parent/caretaker relative of a dependent child. (Department Exhibit 1)
2. On August 1, 2012, the department mailed Claimant a Notice of Case Action (DHS 1605), advising Claimant that the department was unable to determine her eligibility for the Adult Medical Program because the program is closed to new enrollments at this time. The department further informed Claimant that she does not qualify for any other type of Medicaid because she is not blind, disabled, pregnant, aged, or the parent/caretaker relative of a dependent child. (Department Exhibits 2, 3)

3. On August 7, 2012, Claimant submitted a hearing request, contesting the department's denial of her application for MA and AMP benefits. (Request for Hearing)

CONCLUSIONS OF LAW

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

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 of Human Services (DHS or department) 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 Program Reference Manual (PRM).

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 Medicaid 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 Medicaid under FIP-related categories.

The Adult Medical Program (AMP) was established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT). Applications received during a freeze on AMP enrollments must be registered and denied. BEM 640.

In this case, the department processed Claimant's July 30, 2012 assistance application and based on the information provided therein by Claimant, the department determined that Claimant was not eligible for Medicaid benefits because she stated she is able to

work and did not otherwise meet the qualifying criteria (she is not aged, blind, or disabled). The department further determined that Claimant was not eligible for the Adult Medical Program (the only program for which Claimant would have qualified since) because the AMP is not currently open to new enrollees.

At the January 2, 2013 hearing, Claimant acknowledged that despite what she described as a debilitating knee injury, she remained able to work.

Consequently, the Administrative Law Judge finds that, based on the competent, material, and substantial evidence presented during the hearing, the department acted in accordance with policy in denying Claimant's July 30, 2012 application for MA and AMP 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 the department acted in accordance with policy in denying Claimant's July 30, 2012 application for MA and AMP benefits. Accordingly, the department's actions are **UPHELD**.

It is **SO ORDERED**.

/s/ _____
Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 4, 2013

Date Mailed: January 4, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS 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 this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/cr

cc:

