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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-32844
Issue No.: 2001; 2018
Case No.: [redacted]
Hearing Date: June 12, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted], Assistant Payments Worker.

ISSUE

Did the Department properly deny Claimant's application for Adult Medical Assistance (AMP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1. Claimant was an ongoing recipient for Medical Assistance (MA) benefits. Exhibit 1.

2. In January 2013, Claimant applied for AMP benefits. Exhibit 1.

3. On February 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that her AMP application was denied effective January 1, 2013, ongoing, due to Claimant already receiving ongoing MA coverage. Exhibit 1.

4. On February 22, 2013, Claimant filed a hearing request, protesting the denial of the AMP application. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☒ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

☒ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MCL 400.105.

As a preliminary matter, it was discovered during the hearing that Claimant submitted a subsequent hearing request which also addressed Claimant's MA eligibility. Claimant was advised that she would have a subsequent hearing scheduled at a later time to address her other hearing request.

In this case, Claimant was an ongoing recipient for Medical Assistance (MA) benefits. Exhibit 1. In January 2013, Claimant applied for AMP benefits. Exhibit 1. On February 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that her AMP application was denied effective January 1, 2013, ongoing, due to Claimant already receiving ongoing MA coverage. Exhibit 1.

Concurrent receipt of benefits means assistance received from multiple programs to cover a person's needs for the same time period. BEM 222 (November 2012), p. 1. Benefit duplication means assistance received from the same (or same type of) program to cover a person's needs for the same month. BEM 222, p. 1. As specified in BEM 222, benefit duplication is prohibited except for MA in limited circumstances. BEM 222, pp. 1-2.

At the hearing, the Department presented as evidence Claimant's Medicaid Eligibility history. See Exhibit 1. A review of this exhibit showed that Claimant already had ongoing MA coverage at the time of her AMP application. See Exhibit 1. Claimant agreed that she was receiving ongoing MA coverage. Claimant also understood why the Department denied her AMP application because she could not receive benefit duplication. See BEM 222, pp. 1-2. Thus, the Department properly denied Claimant's AMP application effective January 1, 2013, ongoing, due to Claimant already receiving ongoing MA coverage. BEM 222, pp. 1-2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department
☒ did act properly. ☐ did not act properly.

Accordingly, the Department's ☒ AMP ☐ FIP ☐ FAP ☐ MA ☐ SDA decision is ☒ AFFIRMED ☐ REVERSED for the reasons stated above and on the record.

Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 20, 2013

Date Mailed: June 20, 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 affect the substantial rights of the claimant:
  - 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

EJF/cl

cc: [redacted]