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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2013-39604 2006

June 27, 2013 Genesee #02 County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After d ue notice, an in person hearing was held on June 27, 2013, from Flint, Michigan. Participants on behalf of Claimant included claimant and her mother participants on behalf of the Department of Human Services (Department) included Eligibility Specialist

ISSUE

Did the Department properly deny claimant 's application for Medical Assist ance (MA) based upon its determination that claima appointment?

FINDINGS OF FACT

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

- 1. On May 17, 2012, filed an application for MA and retroactive MA on claimant's behalf alleging disability.
- 2. On August 2, 2012 the medical packet wa s sent to the Medical Review Team (MRT) for review.
- 3. On September 7, 2012 MR T deferred claimant's app lication and requested that claimant attend a mental health examination.
- 4. On September 21, 2012, the department sent claim ant and notice that she had a medical appointment scheduled for October 8, 2012.

- 5. Claimant cancelled her appointment for October 8, 2012. She was given a second appointment for October 10, 2012.
- 6. On October 10, 2012, claimant did not attend the rescheduled appointment.
- 7. On January 2, 2013 the application was denied for failure to attend the scheduled medical appointment.
- 8. On Januar y 3, 2013 the department caseworker s ent claimant and notice that her app lication was denied for failure to verify or allow the department to verify information necessary to determine eligib ility for the M A program.
- 8. On March 28, 2013, **Contract of a filed a request for a hearing to contest the department's negative action.**
- 9. On June 10, 2013, withdrew representation for claimant.

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 oppor tunity for a hearing shall be granted to an ap plicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting elig ibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an adm inistrative hearing to review the dec ision and determine the appropriateness of that decision. BAM 600.

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

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MC L 400.105.

Pertinent department policy dictates to caseworkers:

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer when they need your help to obtain it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation

See BAM 815 and BAM 825 for details.

A client who refuses or fails to s ubmit to an exam necessary to determine disab ility or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. It is not necessary to re turn the medical evidence to MRT for another decision in this instance. BEM 260, page 4.

Claimant conceded on the record that she failed to attend the medical appointment and that she has anxiety problems. However, claimant did not indicate at application that she had the existence of a disability that im paired her ability to at tend required medical appointments or gather verifications and information necessary to establish eligibility for benefits. Nor did she request as sistance with gathering the necessary information. At the time of denial she did have an Authorized Representative to assist her. Claimant did not establish good cause for her failure to attend the medical appointment.

The Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive Medical Assistance based upon its determination that claimant failed to attend the necessary medical appointment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on t he record, finds that the Department appropriately denied claimant's application for Medi cal Ass istance benefits becaus e claimant failed to attend a scheduled medi cal appointment which was needed to establish her eligibilit y for benefits. The department has established the case by a preponderance of the evidence contained in the record.

Accordingly, the department's decision is **AFFIRMED**.

<u>/s/</u>

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

Date Signed: June 28, 2013

Date Mailed: June 28, 2013

NOTICE: Michigan Administrative Hearing Syst em (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 Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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 consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

CC:			