

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201316196
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: April 2, 2013
County: Clare

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 April 2, 2013, from Clare, Michigan. Participants on behalf of Claimant included [REDACTED] and authorized hearings representative, [REDACTED]. Participants on behalf of Department of Human Services (DHS) included [REDACTED], ES and [REDACTED], APS.

ISSUE

Did the DHS properly deny Claimant's MA application?

FINDINGS OF FACT

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

1. Claimant had Medicaid effective 2/12. There is no issue herein regarding February, 2012 and forward.
2. On 7/20/11 Claimant applied for MA with the Michigan Department of Human Services (DHS). Claimant indicated she was not pregnant.
3. Claimant delivered a child on [REDACTED].
4. The DHS denied Claimant Medicaid when she was pregnant due to a child support sanction.
5. The DHS did not have evidence of an application date. Evidently Claimant's representative applied for MA in February, 2012. The

representative at the administrative hearing indicated that they were requesting MA for the retro months of December, 2011 and January, 2012.

6. The DHS indicated that the actions it took in this case were on the grounds that Bridges would not let them enter a certain input. At one point in the administrative hearings, the DHS indicated that the actions in this case resulted due to Bridges prohibiting the DHS from entering certain data.
7. On 11/29/12, Claimant's representative requested a hearing per the information on the hearing summary.
8. There is no issued herein regarding the child's MA.
9. The individuals at the administrative hearing did not have personal knowledge of the case.
10. The DHS was unable to submit the applicable policy.
11. Claimant's representative submitted policy, what that does support it its position in BAM Item 255 which allows Medicaid even where there is a sanction if an individual is pregnant.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

BAM Item 255 is titled Child Support policy. This policy states for an MA applicant, and individual is disqualified when they are in a non-cooperation state. However, the policy craves out an exception during pregnancy when a woman meets other eligibility factors, and up to two months after the pregnancy ends.

In this hearing, the DHS individuals testifying on behalf the DHS did not have personal knowledge of this case. The DHS did not have sufficient evidence to support its position. The evidence presented by the DHS was insufficient to meet its burden of proof – the DHS failed to submit or have evidence of a correct application date; the DHS testified at times it was unable to input changes into Bridges with regards to the application(s) herein due to the software not allowing an input.

Claimant's representative presented substantial and credible evidence pursuant to DHS policy which indicates Claimant should have had MA eligibility. The DHS submitted no contrary policy or testimony. Under BAM 255, and for the reasons set forth on the record, this ALJ finds in favor of Claimant.

DECISION AND ORDER

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

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED **REVERSED** for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Open Claimant's MA for the retro months of December 2011 and January 2012 and any other months for which Claimant may be entitled,

It is so ORDERED.

/s/
Janice G. Spodarek
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/26/13

Date Mailed: 5/1/13

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.

201316196/JGS

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

JGS/tb

cc:

