

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201325084
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Calhoun

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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. After due notice, a hearing was held on May 30, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's October 8, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA)?

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 October 8, 2012, Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).
- (2) On October 19, 2012, Claimant's medical packet was sent to the Medical Review Team.
- (3) On November 30, 2012, the Medical Review Team deferred a disability decision in order to obtain additional medical information.
- (4) On December 12, 2012, Claimant was sent a Medical Appointment Confirmation Notice (DHS-800) informing him of the time and location of the required examination on December 19, 2012.

- (5) On December 19, 2012, Claimant did not attend the scheduled examination.
- (6) On January 10, 2013, Claimant spoke with the DHS case worker and informed her he had not made the appointment. The case worker called the Dr. and was told Claimant had rescheduled the December 19, 2012 examination and had not come to the rescheduled examination. Claimant was sent a Notice of Case Action (DHS-1605) which stated his application was denied.
- (7) On January 14, 2013, Claimant submitted a request for hearing.

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). 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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Claimant does not dispute failure to attend the required examination. Claimant testified that he did not have the appointment information with him and went to the wrong location. A review of Department policy did not show any specific direction for these circumstances. The requirement of an applicant's responsibility to cooperate and the policy on obtaining verifications for Medical Assistance (MA) are most applicable to the situation. Denying the application was correct with regard to Claimant's failure to obtain the required medical information within the time allowed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's October 8, 2012 application for Medical Assistance (MA) and State Disability Assistance (SDA).

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 4, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/aca

cc:

