

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

IN THE MATTER OF:

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Reg. No.: 2013 37177
Issue No.: 2018
Case No.: ██████████
Hearing Date: June 26, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. A witness, ██████████ day, also appeared on behalf of the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Assistance Payments Worker.

ISSUE

Did the Department properly deny the Claimant's application for Medical Assistance due to the Claimant's failure to attend a medical examination?

FINDINGS OF FACT

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

1. The Claimant was scheduled to attend a medical examination on February 22, 2013.
2. The Claimant called the Clinic where the exam was scheduled and indicated that he could not attend due to serious weather and tried to reschedule the exam.
3. The Claimant did not attend the exam.
4. The Claimant requested a hearing on March 18, 2013 advising the Department that he attempted to schedule the exam and that he had to do so because of a

snow storm and transportation problems. The Claimant also indicated that he had vision problems.

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 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.

Additionally, the Claimant did everything he could to reschedule the general medical examination due to a snow storm and difficulty with transportation. The Claimant's testimony was credible and he even had the name of the employee of the doctor's office whom he spoke to when he attempted to reschedule the exam. Therefore, the Claimant's case should not have closed. He further credibly testified that a snow storm had occurred, a condition due to an act of nature which made it impossible for the Claimant to get to the exam in light of his transportation and vision problems. In this case the Department should have rescheduled the exam and therefore the denial of the Claimant's application under these facts was in error.

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 when

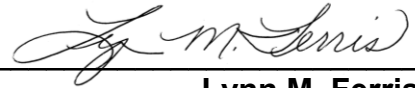
did not act properly when it denied the Claimant's application for medical assistance.

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. The Department shall re register and reinstate the Claimant's application for Medical Assistance dated December 17, 2013 and determine the Claimant's eligibility for medical assistance.

2. The Department shall reschedule the general medical examination for the Claimant as part of the processing of the application.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 16, 2013

Date Mailed: July 16, 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

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
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