

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37565
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 Claimant; [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant and his wife Medical Assistance (MA) coverage?

FINDINGS OF FACT

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

1. On March 21, 2013, the Department sent Claimant a Notice of Case Action notifying him that MA coverage was denied for him and his wife for December 1, 2012, ongoing and for April 1, 2013, ongoing because neither was blind, disabled, pregnant, or the parent/caretaker of a dependent child and neither met the age requirement and the Adult Medical Program was closed to new enrollees at the time.
2. On March 21, 2013, Claimant filed a request for hearing concerning the Department's action on his MA case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

Claimant filed a request for hearing on March 21, 2013, concerning MA. While it was initially unclear who the request concerned, Claimant and his daughter clarified at the hearing that the request for hearing concerned only Claimant's and his wife's MA coverage. Although the Department testified that Claimant's and his wife's MA cases closed in April 2012, after their youngest daughter turned 18, Claimant's daughter testified that she had assisted her parents in filing additional MA applications in 2013. However, Claimant was unable to establish that he had filed any MA applications and the Department's records showed that the only MA application received from Claimant since August 2012 was an Adult Medical Program (AMP) application received on April 30, 2013. Nevertheless, for reasons the Department could not explain, on March 21, 2013, it issued a Notice of Case Action notifying Claimant that his and his wife's MA cases were denied for December 2012 ongoing and April 2013 ongoing because neither was under 21, pregnant, the parent/caretaker of a minor child in the home, over 65, blind or disabled and because there was a freeze on AMP enrollment.

An individual may receive MA coverage if he qualifies under a FIP-related MA category or an SSI-related MA category. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare, or formerly blind or disabled. BEM 105 (October 2010), p. 1. To receive MA under a FIP-related category, the person must have dependent children who live with him, be a caretaker relative of dependent children, be under age 21, or be a pregnant or recently pregnant woman. BEM 105, p. 1; BEM 132 (October 2010), p. 1; BEM 135 (January 2011), p. 1. AMP provides limited medical services for persons not eligible for MA coverage. BEM 100 (June 2012), p. 4. The evidence at the hearing established that, as of the date the March 21, 2013, Notice of Case Action was sent to Claimant and a request for hearing was filed, neither Claimant nor his wife met any of these eligibility criteria and the AMP program was closed to new enrollees. Therefore, the Department acted in accordance with Department policy when it failed to provide MA coverage to Claimant and his wife.


At the hearing, Claimant's daughter testified that Claimant and his wife applied for AMP benefits on April 30, 2013, and for disability-based MA on May 3, 2013. Because those applications were filed after the March 21, 2013, request for hearing in the instant case, they could not be addressed at the hearing. See Mich Admin Code R 400.903(1).

Claimant was advised to request a hearing concerning those applications if he wished to have the Department's action (or lack of action) on those applications reviewed.

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 acted in accordance with Department policy when it denied Claimant and his wife MA coverage.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 2, 2013

Date Mailed: July 3, 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 effect the substantial rights of the claimant:
 - the 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

2013-37565/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

