

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201346894
Issue No.: 2012
Case No.: [REDACTED]
Hearing Date: July 1, 2013
County: Wayne DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 1, 2013, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application prior to evaluating Claimant for Medicaid based on disability.

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 2/7/13, DHS received an application on behalf of Claimant requesting MA benefits, including retroactive benefits from 12/2012.
2. Claimant's application noted that she claimed a disability.
3. On 2/8/13, DHS denied Claimant's application based on Claimant not meeting an eligible category for MA and that Adult Medical Program (AMP) benefits were not available.
4. On 5/3/13, Claimant's AHR requested a hearing to dispute the DHS determination.

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). DHS 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 Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's AHR's hearing request, it should be noted that Claimant's AHR requested an in-person hearing. The hearing was originally scheduled to be held at 10:30 a.m. from a DHS office in Inkster, Michigan. Due to confusion concerning which DHS office would represent DHS and poor communication from DHS, a telephone hearing was held from a DHS office in Detroit at 3:00 p.m. Claimant's AHR agreed to waive the in-person request. Both parties were able to fully participate despite the hearing being held four and a half hours after the scheduled time.

Claimant's AHR requested a hearing to dispute an MA application denial. It was not disputed that DHS issued a generic denial of the application, one reserved for clients that fail to meet any MA categories.

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (10/2010), p. 1. 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. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories though DHS only occasionally offers the program to applicants.

Claimant's AHR contended that Claimant's application alleged that Claimant was disabled. During the hearing, DHS conceded that Claimant's application indeed noted that Claimant alleged a disability. It was not disputed that DHS failed to evaluate Claimant for MA benefit eligibility based on disability.

DHS policy outlines detailed procedures for evaluating a client's MA benefit eligibility based on a claimed disability. Step one is that the client claims disability. BAM 815 (6/2012), p. 2. Once a client claims disability, DHS is to perform 25 other step which include: interview the client, register the application and provide the client with a Medical-Social Questionnaire. Based on the failure by DHS to evaluate Claimant for a disability, the MA benefit denial is found to be improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit application dated 2/7/13, including retroactive MA benefits from 12/2012;
- (2) initiate processing of Claimant's application subject to the finding that Claimant's application alleged that Claimant was disabled.

The actions taken by DHS are REVERSED.



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

Date Signed: 7/10/2013

Date Mailed: 7/10/2013

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

CG/hw

cc:

