

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: [REDACTED]
Issue No.: 2012, 2018
Case No.: [REDACTED]
Hearing Date: June 27, 2013
County: Plan 1st

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 27, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly process the Claimant's application for Medical Assistance (MA)?

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 April 2, 2013, the Claimant submitted an application for assistance requesting Medical Assistance (MA).
2. On April 19, 2013, the Department determined that the Claimant was not eligible for the Plan First program.
3. The Department received the Claimant's request for a hearing on April 25, 2013, protesting the denial of her application for assistance.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Persons may qualify under more than one Medical Assistance (MA) category. Federal law gives them the right to the most beneficial category. The most beneficial category is the one that results in eligibility or the least amount of excess income. Therefore the Department has a duty to consider all the MA category options in order for the client's right of choice to be meaningful. Department of Human Services Bridges Eligibility Manual (BEM) 105 (October 1, 2010), p 2.

In this case, the Claimant submitted an application for assistance on April 2, 2013, requesting Medical Assistance (MA). On April 19, 2013, the Department determined that the Claimant is not eligible for the Plan First program.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department to consider the category of benefits most beneficial to the Claimant's circumstances. The Department failed to establish that the Claimant was considered for any other category of Medical Assistance (MA) other than Plan First, or that she was not eligible for any category of Medical Assistance (MA) other than Plan First.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to properly process the Claimant's application for benefits in accordance with policy.

The Department's Medical Assistance (MA) eligibility determination is **REVERSED**.

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

1. Reprocess the Claimant's April 2, 2013, application for benefits and initiate a determination of the Claimant's eligibility for Medical Assistance (MA).
2. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.

3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/08/2013

Date Mailed: 07/08/2013

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.

[REDACTED]

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

KS/sw

cc:

[REDACTED]