

**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.: 2013-38425
Issue No.: 2001; 6043
Case No.: ██████████
Hearing Date: July 11, 2013
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, and ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Family Independence Manager, and ██████████ Eligibility Specialist.

ISSUES

Did the Department properly deny Claimant's application for Adult Medical Program (AMP) benefits?

Did the Department properly deny Claimant's application for Medicare Savings Program effective December 1, 2012, ongoing?

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, Claimant applied for AMP benefits.
2. On March 22, 2013, the Department sent Claimant a Notice of Case Action denying her AMP application due to the program being closed for new enrollment. Exhibit 1.
3. On March 22, 2013, the Notice of Case Action also notified Claimant that her Medicare Savings Program (MSP) application was denied effective December 1, 2012, ongoing. Exhibit 1.

4. On April 1, 2013, Claimant filed a hearing request, protesting the Department's actions. Exhibit 1.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Preliminary matter

At the hearing, Claimant was also disputing the status of her March 21, 2013 Medicaid application based on disability. Claimant's hearing request is dated April 1, 2013. Exhibit 1. It was discovered during the hearing that Claimant's disability application was denied subsequent to her hearing request in June of 2013. This hearing decision cannot address the denial of her disability application because it is after her hearing request date. See BAM 600 (February 2013), p. 3. However, Claimant was notified that she can request another hearing regarding her disability denial.

AMP benefits

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The AMP is available to individuals who meet all the eligibility factors in this item. BEM 640 (October 2012), p. 1. Applications received during the freeze on AMP enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640, p. 1. Applicants must be informed that the reason for denial is an enrollment freeze. BEM 640, p. 1.

In this case, Claimant applied for AMP benefits on March 21, 2013. On March 22, 2013, the Department sent Claimant a Notice of Case Action denying her AMP application due to the program being closed for new enrollment. Exhibit 1. It should be noted that the AMP program was open for new enrollment for April of 2013.

Based on the foregoing information and evidence, the Department properly denied Claimant's AMP application in accordance with Department policy. BEM 640, p. 1 and see Exhibit 1. Claimant applied in March of 2013 when the AMP was not open for new enrollment.

MSP benefits

Medicaid coverage includes Medicare cost-sharing benefits, meaning it will pay for Medicare Part B premiums or Part A and B premiums, coinsurances, and deductibles for certain Medicaid recipients. BAM 810 (October 2012), p. 1. Medicaid Savings Programs ("MSP") are SSI-related MA categories. BEM 165 (October 2010), p. 1.

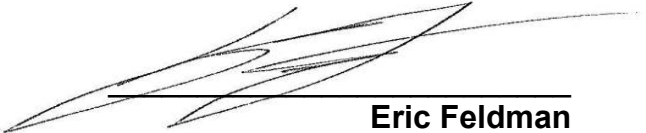
On March 22, 2013, the Notice of Case Action notified Claimant that her Medicare Savings Program (MSP) application was denied effective December 1, 2012, ongoing. Exhibit 1. The Department testified that Claimant is not eligible for MSP because she is not a Medicare recipient.

Based on the foregoing information, the Department properly denied Claimant's application for MSP benefits effective December 1, 2012, ongoing, because she is not a Medicare recipient.

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 properly denied Claimant's AMP and MSP application.

Accordingly, the Department's AMP and MSP decision is AFFIRMED for the reasons stated above and on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 30, 2013

Date Mailed: July 30, 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,

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- 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

EJF/cl

cc: [REDACTED]
[REDACTED]
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