

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

IN THE MATTER OF:



Reg. No: 201347938
Issue No: 2006
Case No: [REDACTED]
Hearing Date: July 24, 2013
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on May 20, 2013. After due notice, a telephone hearing was held on July 24, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist with the department's Macomb County office.

ISSUE

Whether the Department of Human Services (department) properly determined Claimant's eligibility for Medical Assistance (MA) benefits and State Disability Assistance (SDA) benefits?

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 May 8, 2013, Claimant applied for MA and SDA benefits. In his assistance application, Claimant indicated that he has no disabilities and no family members on whose behalf he was seeking assistance. (Department Exhibit 2)
2. On May 8, 2013, the department processed Claimant's assistance application and, following a telephone interview with Claimant during which Claimant confirmed that he listed no disabilities or family members in his application, the department mailed Claimant a Notice of Case Action (DHS 1605) on May 9, 2013 advising Claimant that his application for SDA and MA benefits had been denied because Claimant is not a dependent child, a caretaker/relative of a child, pregnant, aged, disabled,

or a refugee, or does not have a qualifying relationship to other household members. The department further advised Claimant that the department could not determine his eligibility for the Adult Medical Program (AMP) because the program is currently closed to new enrollees. (Department Exhibit 1)

3. On May 13, 2013, Claimant submitted a hearing request protesting the department's denial of his application for MA and SDA benefits. (Request for Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Medical Assistance (MA) program was 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) and the Program Reference Manual (PRM).

The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

To receive Medicaid under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive Medicaid under FIP-related categories.

The State Disability Assistance (SDA) program was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled

person. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180.

An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. BEM 214. The department's philosophy is that spouses are responsible for each other and that needy spouses living together are expected to share income, assets, and expenses. BEM 214. A certified group (CG) includes only the eligible members of the SDA EDG – and the members of the CG are determined based on information reported by the individual and entered into the department's computer system, known as Bridges. BEM 214.

In this case, the department denied Claimant's application for MA and SDA benefits because, according to the information that Claimant provided in his assistance application: he is not a dependent child, the caretaker relative of a dependent child, pregnant, disabled, over 65 years old, or a refugee and Claimant does not have a qualifying relationship to other household members. The department was also unable to determine Claimant's eligibility for AMP benefits, the only Medicaid program for which Claimant would qualify if he is not disabled, because the department is currently not accepting new enrollees in that program.

At the July 24, 2013 hearing, Claimant testified that he is in fact disabled due to paralysis on his left side and that he has since applied for social security disability in June 2013. However, Claimant acknowledged that he erroneously omitted information regarding his disability from his assistance application.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material and substantial evidence presented during the July 24, 2013 hearing, because the department relied on information reported by Claimant in his assistance application and subsequently confirmed by Claimant during his telephone interview, the department acted in accordance with policy based on the information it had before it in denying Claimant's May 8, 2013 application for SDA and MA benefits for failure to meet the eligibility criteria for these programs.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy based on the information it had before it in denying Claimant's May 8, 2013 application for SDA and MA benefits for failure to meet the eligibility criteria for these programs. The department's actions in this regard are therefore **UPHELD**.

It is SO ORDERED.

/s/_____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

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A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/aca

cc:

