

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201354238
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: August 14, 2013
County: Wayne DHS (55)

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 August 14, 2013, from Detroit, Michigan. Participants included the above-named claimant. [REDACTED], Claimant's spouse, testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits.

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 April 30, 2013, Claimant applied for MA benefits.
2. Claimant's application noted that she was not a disabled individual.
3. Claimant was a married individual whose spouse received \$972.00 in Retirement, Survivors, Disability Insurance (RSDI).
4. On May 8, 2013, DHS determined that Claimant was not eligible for Medicaid and ineligible for the Adult Medical Program (AMP) benefits due to excess income.
5. On June 10, 2013, Claimant requested a hearing disputing the denial of MA benefits.

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). AMP is a category within the MA program.

Claimant requested a hearing to dispute a denial of MA benefits. The denial of MA benefits was a two-part decision; the first part was a denial of Medicaid.

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.* It was not disputed that Claimant's only potential category for MA benefits was as a disabled individual.

Claimant presented testimony implying that she was disabled. During the hearing, Claimant's application was examined and it was not disputed that Claimant failed to assert a claim of disability within her application. DHS cannot factor a claim of disability in a MA determination if a client never claimed disability. It is found that DHS properly denied Medicaid to Claimant.

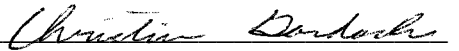
Despite a denial of Medicaid, Claimant is potentially eligible for AMP benefits. It was not disputed that the AMP denial was based on excess income.

For AMP applications, income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640 (10/2010), p. 3. The net income limit for the AMP program for a group size two is \$453.00. RFT 236 (4/2009), p. 1.

It was not disputed that Claimant's spouse received \$972.00 in RSDI. DHS regulations do not allow any deductions or disregards for RSDI income. The \$972.00 exceeds the income limit for AMP eligibility. Accordingly, DHS also properly denied Claimant for AMP benefits. As discussed during the hearing, Claimant's proper remedy is to reapply for MA benefits and to list a claim of disability within the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefit application dated April 30, 2013. The actions taken by DHS are **AFFIRMED**.


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

Date Signed: August 22, 2013

Date Mailed: August 23, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

201354238/CG

If submitted by mail, the written request must be addressed as follows:

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

CG/aca

cc:

