

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201333927  
Issue No.: 2006  
Case No.: [REDACTED]  
Hearing Date: August 22, 2013  
County: Ionia

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 22, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

**ISSUE**

Did the Department properly deny Claimant's application for Medical Assistance (MA)?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for benefits for Medical Assistance (MA).
2. On January 18, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which denied Claimant's application due to failure to attend a medical appointment.
3. On March 6, 2013, Claimant filed a hearing request, protesting the denial of the application.

### CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

A person meets the disability or blindness factor for a month if he (or she) is determined disabled or blind for the month being tested. BEM 260. The client is responsible for providing evidence needed to prove disability or blindness. BEM 260. A client who refuses or fails to submit to an exam necessary to determine disability or blindness cannot be determined disabled or blind and [the department] should deny the application or close the case. BEM 260. BAM 105 also provides that clients must cooperate with the local office in determining initial and ongoing eligibility.

Here, the Department contends that it mailed Claimant a Medical Appointment Confirmation Notice (DHS-800) which scheduled Claimant to attend a psychiatric exam with [REDACTED] at [REDACTED], Michigan on Tuesday, January 15, 2013 at 4:30p.m. The Department denied her Medicaid application after Claimant failed to appear for this appointment. Claimant fully admits that she missed the appointment, but she contends that she had a pending disability application with the Social Security Administration (SSA) and the SSA scheduled her to see Dr. [REDACTED] the following week. Claimant elected to skip the DHS-scheduled appointment with Dr. [REDACTED] and decided to attend the SSA scheduled appointment the following week. She did not see the point in attending two appointments. The Department worker who attended the hearing indicated that the DHS and the SSA are two separate entities and that Claimant was required per policy to attend the medical appointment in order to obtain Medicaid disability benefits.

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). 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). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The Department's position is correct. This Administrative Law Judge does understand why Claimant may have believed that attending both

appointments would be redundant and a waste of resources; however, she is not excused from attending the DHS-scheduled appointment. Claimant is required to cooperate with the Department in determining eligibility per BAM 105. In addition, the Department is entitled to the information and/or verification necessary to making an independent disability determination.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied Claimant's application for MA.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly.

Accordingly, the Department's MA decision is **AFFIRMED** for the reasons stated above.

IT IS SO ORDERED.

/s/

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C. Adam Purnell  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 23, 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.

201333927/CAP

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

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

CAP/aca

cc:

