

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-11944
Issue No.: 2018
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Wayne (82-18)

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 April 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 MA Disability on June 28, 2012.
2. Claimant's medical packet was sent to the Medical Review Team (MRT) for review and MRT deferred Claimant in order to obtain additional medical exams to make a determination.

3. On October 8, 2012, the Department sent Claimant a Medical Appointment Confirmation Notice which scheduled Claimant for a medical exam on [REDACTED] Exhibit 1.
4. Claimant did not attend the medical exam on [REDACTED], and the Department received confirmation of the missed appointment on October 26, 2012. Exhibit 1.
5. On October 29, 2012, the Department sent Claimant a Notice of Case Action informing him that his MA application was denied effective June 1, 2012, because he failed to attend his medical exam. Exhibit 1.
6. On November 8, 2012, Claimant filed a hearing request, protesting the denial of the application. closure of the case.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

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.

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 State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA

program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, in a October 29, 2012, Notice of Case Action, the Department notified Claimant of the denial of his MA application effective June 1, 2012, due to his failure to attend a medical exam.

The client is responsible for providing evidence needed to prove disability or blindness. BEM 260 (July 2012), p. 4. However, the Department must assist the customer when she or he needs its help to obtain it. BEM 260, p. 4. Such help includes scheduling medical exam appointments and paying for medical evidence and medical transportation. BEM 260, p. 4. 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, p. 4.

Medical transportation is not available unless it is to obtain medical evidence for MA applicants. BAM 825 (October 2012), p. 1; BAM 815. The Department evaluates a client's request for medical transportation to maximize use of existing community resources. BAM 825, p. 3. Additionally, BAM 815 – Medical Determination and Obtaining Medical Evidence - states to assist the client with scheduling the medical examination appointment, paying for medical evidence and/or medical transportation. BAM 815 (June 2012), p. 5.

At the hearing, Claimant's AHR credibly testified that she contacted the Department at least twice between October 8, 2012, and [REDACTED], requesting medical transportation to the scheduled exam for her son. Claimant's AHR testified that she first contacted Claimant's caseworker requesting medical transportation via ambulance because Claimant had medical problems. Claimant's AHR testified that she then contacted the caseworker present for today's hearing stating again her son needs medical transportation and, if not provided, she needed to reschedule the appointment. The Department testified that it did acknowledge the telephone conversation and that Claimant did request medical transportation via ambulance to the medical appointment. However, the Department testified that it does not provide medical transportation via ambulance for scheduled medical appointments. Claimant missed the appointment and the Department notified Claimant that his MA application was denied effective June 1, 2012, due to his failure to attend a medical exam.

Based on the foregoing information and evidence, the Department improperly denied Claimant's MA application. Claimant's AHR requested assistance twice for medical

transportation for her son as well as rescheduling her son's appointment and the Department must assist with these requests as per BEM 260. BEM 260, p. 4. The Department's help includes paying for medical transportation and scheduling medical appointments. BEM 260, p. 4. Moreover, medical transportation is available to Claimant because he was an MA applicant and was requesting such transportation to obtain medical evidence. BAM 825, p. 1. However, the Department evaluates the request in accordance with Department policy. BAM 825, p. 3.

In summary, the Department did not act in accordance with Department policy when it denied Claimant's MA case because it did not assist Claimant in rescheduling his appointment or assist with evaluating and/or obtaining medical transportation for a scheduled medical appointment.

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 improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

DECISION AND ORDER

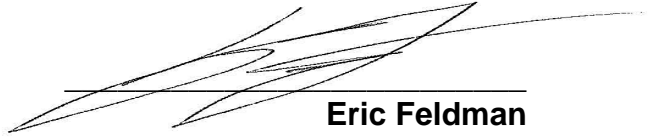
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and on the record.

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

1. Reregister the June 28, 2012, MA application;
2. Reschedule Claimant for the medical appointment;
3. Re-evaluate Claimant's request for medical transportation, if otherwise eligible and qualified in accordance with Department policy;

4. Notify Claimant of its decision in writing in accordance with Department policy.



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

Date Signed: April 30, 2013

Date Mailed: April 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,
 - 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/pf

cc:

