

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-39604
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: June 27, 2013
County: Genesee #02 County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in person hearing was held on June 27, 2013, from Flint, Michigan. Participants on behalf of Claimant included claimant and her mother [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny claimant's application for Medical Assistance (MA) based upon its determination that claimant failed to attend a scheduled medical appointment?

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 May 17, 2012, [REDACTED] filed an application for MA and retroactive MA on claimant's behalf alleging disability.
2. On August 2, 2012 the medical packet was sent to the Medical Review Team (MRT) for review.
3. On September 7, 2012 MRT deferred claimant's application and requested that claimant attend a mental health examination.
4. On September 21, 2012, the department sent claimant and [REDACTED] notice that she had a medical appointment scheduled for October 8, 2012.

5. Claimant cancelled her appointment for October 8, 2012. She was given a second appointment for October 10, 2012.
6. On October 10, 2012, claimant did not attend the rescheduled appointment.
7. On January 2, 2013 the application was denied for failure to attend the scheduled medical appointment.
8. On January 3, 2013 the department caseworker sent claimant and [REDACTED] notice that her application was denied for failure to verify or allow the department to verify information necessary to determine eligibility for the MA program.
8. On March 28, 2013, [REDACTED] filed a request for a hearing to contest the department's negative action.
9. On June 10, 2013, [REDACTED] withdrew representation for claimant.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). 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. BAM 600.

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.

Pertinent department policy dictates to caseworkers:

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer when they need your help to obtain it. Such help includes the following:

- Scheduling medical exam appointments
- Paying for medical evidence and medical transportation

See [BAM 815](#) and [BAM 825](#) for details.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance. BEM 260, page 4.

Claimant conceded on the record that she failed to attend the medical appointment and that she has anxiety problems. However, claimant did not indicate at application that she had the existence of a disability that impaired her ability to attend required medical appointments or gather verifications and information necessary to establish eligibility for benefits. Nor did she request assistance with gathering the necessary information. At the time of denial she did have an Authorized Representative to assist her. Claimant did not establish good cause for her failure to attend the medical appointment.

The Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive Medical Assistance based upon its determination that claimant failed to attend the necessary medical appointment.

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 appropriately denied claimant's application for Medical Assistance benefits because claimant failed to attend a scheduled medical appointment which was needed to establish her eligibility for benefits. The department has established the case by a preponderance of the evidence contained in the record.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____

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

Date Signed: June 28, 2013

Date Mailed: June 28, 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

LYL/las

cc:

