

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

**IN THE MATTER OF:**



Reg. No.: 201335831  
Issue No.: 2012  
Case No.: [REDACTED]  
Hearing Date: June 20, 2013  
County: Wayne DHS (35)

**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 June 20, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application prior to evaluating Claimant for Medicaid based on disability.

**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 2/11/13, Claimant submitted to DHS an application requesting MA benefits.
2. Claimant's application noted that Claimant was unable to work full-time due to a disability.
3. On 3/4/13, DHS denied MA benefits to Claimant by determining that Claimant failed to assert a basis for receiving MA benefits.
4. On 3/11/13, Claimant requested a hearing to dispute 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).

Claimant requested a hearing to dispute an MA application denial. It was not disputed that Claimant was only potentially eligible for MA benefits as a disabled individual.

DHS policy outlines detailed procedures for evaluating a client's MA benefit eligibility based on a claimed disability. Step one is that the client claims disability. BAM 815 (6/2012), p. 2. Once a client claims disability, DHS is to perform 25 other step which include: interview the client, register the application and provide the client with a Medical-Social Questionnaire.

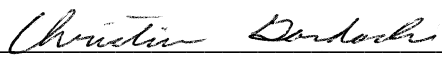
In the present case, DHS initially contended that Claimant was properly not evaluated for MA eligibility based on disability because Claimant never asserted a claim of disability. Claimant testified that she thought that she asserted a claim of disability on her application, though she was not certain. During the hearing, DHS obtained Claimant's application and conceded that Claimant indeed listed herself as a disabled individual. DHS also conceded that Claimant was not evaluated for MA benefits based on a claim of disability. Accordingly, the MA benefit denial was improper.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) re-register Claimant's MA benefit application dated 2/11/13; and
- (2) initiate processing of Claimant's MA benefit application subject to the finding that Claimant's application listed that Claimant claimed to be disabled.

The actions taken by DHS are REVERSED.

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

Date Signed: 6/28/2013

Date Mailed: 6/28/2013

**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 effect the substantial rights of the claimant:
  - the 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

CG/hw

cc:

