

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2013-6391
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: April 3, 2012
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, April 3, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied Claimant's August 2, 2012 Medical Assistance ("MA") application.

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 January 29, 2008, Claimant submitted an application with the Social Security Administration ("SSA") alleging disability as of October 19, 2007. (Exhibit 1, p. 4)
2. On July 23, 2010, Claimant appealed the SSA determination which found Claimant not disabled. (Exhibit 1, p. 4)
3. On June 20, 2011, the SSA Administrative Law Judge ("ALJ") found Claimant not disabled.
4. On August 2, 2012, the Department received Claimant's MA application.

5. On August 25, 2012, the Department sent a "Notice to Apply" to Claimant instructing her to file an application for Supplemental Security Income ("SSI") by September 4, 2012. (Exhibit 1, p. 2)
6. On October 22, 2012, the Department denied Claimant's MA application based on the failure to pursue benefits with a third party organization.
7. On October 10, 2012, the Department received Claimant's written request for hearing.

CONCLUSIONS OF LAW

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

As a condition of eligibility, applicants and recipients must take all necessary steps to obtain benefits for which they may be eligible. 42 CFR 435.608(a); BEM 270 (June 2012), p. 1. Failure to do so results in the person's MA ineligibility. BEM 270, p. 1.

In this case, Claimant submitted an application for MA benefits on August 2, 2012. At this point, the SSA had found Claimant not disabled. Claimant appealed the SSA determination which ultimately resulted in the June 20, 2011 ALJ determination which found the Claimant not disabled. Claimant was unclear as to the date the Appeal's Council affirmed the ALJ decision but testified she was preparing to file (through her attorney) and new SSA case.

In processing the August 2, 2012 MA application, the Department requested verification that the Claimant was pursuing potential benefits with the SSA. Claimant did not submit the requested verification. On October 22, 2012, the Department confirmed via the SOLQ, that a new application had not been filed by the Claimant with the SSA. Because there was not a pending application filed with the SSA, the Department denied Claimant's application on October 22nd based on the failure to pursue potential benefits.

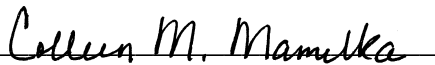
Ultimately, the Department established it acted in accordance with Department policy when it denied Claimant's MA application based on the failure to pursue potential benefits as requested.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds the Department established it acted in accordance with department policy when it denied Claimant's August 2, 2012 MA application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.


Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 29, 2013

Date Mailed: April 29, 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

CMM/tm

cc:

