

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

IN THE MATTER OF:



Reg. No.: 2014-2537
Issue No.: 2001; 4001
Case No.: [REDACTED]
Hearing Date: December 12, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 12, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Disability Assistance (SDA) and Medical Assistance (MA) due to Claimant not meeting the categorical requirements.

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 [REDACTED]/13, Claimant applied for cash assistance and MA benefits for himself and his spouse.
2. Claimant's application noted that neither he nor his wife met any of the following categories: disabled, under 21 years, over 65 years, pregnant or a caretaker to a minor child.

3. On [REDACTED]/13, DHS denied MA and cash assistance for Claimant and his spouse because neither person was eligible for the program's requirements (see Exhibits 1-3).
4. On [REDACTED]/13, Claimant requested a hearing disputing the denial of MA and cash assistance.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Prior to a substantive analysis of the hearing request, it should be noted that the request noted special arrangements in order for Claimant to participate and/or attend the hearing. Claimant testified that he required no special arrangements for his attendance or hearing participation.

Claimant requested a hearing to dispute the denial of a cash assistance and MA benefit application. It was not disputed that DHS denied Claimant's application because neither Claimant nor his wife met either programs' eligibility requirements.

Clients may qualify under more than one MA category. BEM 105 (10/2010), p. 2. Federal law gives them the right to the most beneficial category. *Id.* The most beneficial category is the one that results in eligibility or the least amount of excess income. *Id.*

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (10/2010), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* It was not disputed that neither Claimant nor his spouse were potentially eligible for any reason other than disability.

Claimant applied for MA benefits on 7/9/13 (see Exhibits 7-19). Claimant added a statement at the end of his application that he and his wife need to see a doctor which somewhat implies a claim of disability; however, in response to the application question "Blind or disabled?" Claimant responded "No" for he and his wife. Claimant's unequivocal negative response to a question of disability amounts to a concession that

neither he nor his wife claimed to be disabled. Accordingly, DHS had no reason to consider MA benefits for Claimant or his wife based on a claim of disability.

Claimant testified that he and his wife need medical attention. Unfortunately for Claimant, a need for medical attention is not a basis to receive MA benefits unless there is a claim of disability. It is found that DHS properly denied Claimant's application for MA benefits.

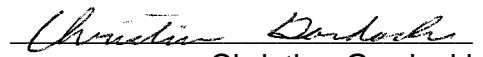
The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant also requested a hearing to dispute a denial of cash assistance. DHS has two types of cash assistance programs, Family Independence Program (FIP) and SDA benefits. It was not disputed that Claimant was neither pregnant or a caretaker to dependent children at the time of her application. Thus, Claimant was not entitled to FIP benefits. There was a dispute concerning whether Claimant was disabled, or at least whether he claimed to be disabled.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (7/2013), p. 1. It was already found that neither Claimant nor his wife claimed to be disabled. There was no evidence suggesting that Claimant or his wife cared for a disabled individual. It was undisputed that Claimant and his wife were under the age of 65. Accordingly, DHS properly denied Claimant's request for cash assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's application for cash assistance and MA benefits. The actions taken by DHS are **AFFIRMED**.


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

Date Signed: 1/2/2014

Date Mailed: 1/2/2014

NOTICE OF APPEAL: 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.

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).

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.

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

CG/hw

cc:

