

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008709
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: October 23, 2014
County: Wayne (55)

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, an in-person hearing was held on October 23, 2014, from Hamtramck, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's Medical Assistance (MA) application based on disability for the reason that Claimant was already receiving Freedom-to-Work (FTW) benefits.

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], Claimant applied for MA benefits, including retroactive MA benefits from 1/2014.
2. Claimant's application listed a claim of disability.
3. On an unspecified date, DHS approved Claimant for Freedom-to-Work benefits for the month of 1/2014.

4. On [REDACTED] Claimant's AHR requested a hearing to dispute the failure by DHS to evaluate Claimant for Medicaid based on a claim of disability.

CONCLUSIONS OF LAW

Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. 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 requested a hearing to dispute the failure by DHS to process a request for MA benefits based on a claim of disability. DHS provided testimony that Claimant's application was not processed because Claimant was already receiving MA benefits; specifically, Claimant received MA benefits based on FTW for the months of 1/2014 through 4/2014 (see Exhibit A1). The only dispute to be determined is whether MA benefits based on FTW eligibility are equivalent to disability-based MA benefits (aka AD-Care).

Neither DHS nor Claimant's AHR provided supporting policy to justify their side. DHS policy provides slim-pickings on the differences between FTW and AD-Care coverage. Some guidance is found in a DHS-crafted desk aid.

BEM 101 lists in chart-form the various types of MA programs for which clients may be eligible. One of the chart columns is "scope/coverage". Presumably, "coverage" determines the type of medical coverage given to a client for each medical category. The AD-Care coverage, which Claimant's AHR seeks, is "F". The FTW coverage is "Q", "D" or "K", depending on the type of FTW coverage given. This consideration suggests that Claimant was not receiving the same coverage that she would receive if eligible for AD-Care.

The above-finding is further supported by a statement made by DHS during the hearing. DHS presented testimony that Claimant was recently evaluated for cash benefits based on a disability. If Claimant was receiving disability-based medical coverage, there would be no need to evaluate Claimant for disability-based cash benefits. It is found that DHS improperly failed to evaluate Claimant's MA application concerning an allegation of disability.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly failed to process application for MA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's application dated [REDACTED], including Claimant's retroactive MA benefit request from 1/2014; and
- (2) initiate processing of Claimant's application subject to the finding that Claimant's FTW eligibility does not disqualify her from disability-based MA eligibility.

The actions taken by DHS are **REVERSED**.



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

Date Signed: **11/5/2014**

Date Mailed: **11/5/2014**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

