

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-7478
Issue No(s): 2001
Case No.: [REDACTED]
Hearing Date: December 11, 2013
County: Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 11, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] fiancé and Authorized Hearing Representative, [REDACTED] the Claimant, and [REDACTED] brother. Participants on behalf of the Department of Human Services (Department) included [REDACTED] ES.

ISSUE

Did the Department properly deny the Claimant's Medicaid application based on a failure to attend an internal medicine exam?

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 22, 2013, the Claimant applied for Medicaid.
2. On August 13, 2013, the Medical Review Team (MRT) deferred the Medicaid determination for an internal medical exam and a mental status exam.
3. On August 21, 2013, the Claimant was sent a Medical Appointment Confirmation Notice for an internal medicine exam scheduled for September 9, 2013.
4. On August 28, 2013, the Claimant was sent a Medical Appointment Confirmation Notice for a mental status exam scheduled for September 18, 2013.
5. The Claimant did not attend the September 9, 2013 internal medicine exam.

6. On September 24, 2013, a Notice of Case Action was issued to the Claimant indicating the Medicaid application was denied due to missing the internal medical exam.
7. On October 23, 2013, the Claimant filed a request for hearing contesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility. BAM 105. 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.

On August 13, 2013, the Medical Review Team (MRT) deferred the Medicaid determination for an internal medical exam and a mental status exam. (Exhibit C) On August 21, 2013, the Claimant was sent a Medical Appointment Confirmation Notice for an internal medicine exam scheduled for September 9, 2013. (Exhibit D) The Claimant did not attend the September 9, 2013 internal medicine exam. (Exhibit F)

The Claimant's fiancé testified that the Claimant missed the September 9, 2013 appointment due to an unexpected issue. The Claimant's fiancé explained that she helps and transports the Claimant as well as two fathers who are very ill. On the day of the internal medicine exam, they could not get a visiting nurse come to the home for the fathers so that the Claimant's fiancé could take the Claimant to the exam. A call was made to the worker about a half hour prior to the appointment and a message was left. The Claimant's fiancé noted they made it to the mental status exam and stated that if needed, re-scheduling the appointment for the internal medicine exam would have been okay.

The Eligibility Specialist testified that she never got the message left just prior to the internal medicine exam. The Eligibility Specialist stated it would have been easy to cancel and re-schedule the appointment for the internal medicine exam if she had known ahead of time.

The Claimant's fiancé provided credible testimony explaining the unexpected circumstances that prevented her from being able to take the Claimant to the internal medicine exam appointment. Further, the Claimant's fiancé testified that a call was made to the Eligibility Specialist and a message was left prior to the scheduled appointment time on September 9, 2013. While the Eligibility Specialist testified she did not receive this message, she also stated it would have been easy to re-schedule the appointment if she had gotten the message in advance of the appointment. Additionally, the Claimant did attend the other appointment requested by the MRT, the mental status exam.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied the Claimant's Medicaid application based on missing the internal medicine exam.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Re-instate the Claimant's May 22, 2013 Medicaid application and re-determine eligibility in accordance with Department policy.
2. Re-schedule the MRT requested internal medicine exam if still needed to make the disability determination.

/s/

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

Date Signed: December 27, 2013

Date Mailed: December 30, 2013

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

KS/hj

cc:

