

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

IN THE MATTER OF:



Reg. No.: 2014-9088
Issue No.: 2004
Case No.: [REDACTED]
Hearing Date: April 10, 2014
County: Wayne (57)

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 March 20, 2014, from Detroit, Michigan. Participants included [REDACTED] as Claimant's authorized hearing representative and legal counsel. 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, in part, due to Claimant's failure to allege a claim of 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 [REDACTED], Claimant submitted an Assistance Application to DHS.
2. Claimant's application failed to list a disabled household member.
3. DHS processed Claimant's MA benefit eligibility without factoring a Claimant claim for disability.
4. On [REDACTED], DHS mailed Claimant a Notice of Case Action informing Claimant of the MA application denial, in part, because Claimant did not qualify for disability-based MA benefits.

5. On [REDACTED], Claimant requested a hearing to dispute the denial of MA benefits.

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).

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. BAM 105 (7/2013), 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.* The Adult Medical Program (AMP) is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories, though DHS does always offer the program to applicants.

Claimant requested a hearing to dispute a denial of an MA benefit application. The only basis for MA eligibility presented by Claimant's AHR was Medicaid based on disability.

DHS presented Claimant's MA application (Exhibits 1-11) dated [REDACTED]. Page 4 of the Claimant's application asks clients, "Blind or disabled?" Claimant responded, "No".

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (10/2013), p. 6. This includes completion of necessary forms. *Id.* Claimant's unequivocal application statement is highly persuasive evidence that DHS properly did not evaluate Claimant for a claim of disability because Claimant did not report a claim of disability.

Claimant's AHR contended that DHS had a duty to contact Claimant to insure that Claimant intended not to assert a claim of disability. Claimant's AHR cited other information within Claimant's application and the spirit of mental health federal laws to support the contention.

Claimant's application listed that his mailing address was an outpatient mental health treatment facility (see Exhibit 3). Claimant's application also listed a staff member from the treatment facility under an application section, "Help from Others".

It should be noted that Claimant did not attend the administrative hearing. Thus, it is not certain that Claimant even intended to assert a claim of disability. Claimant's hearing

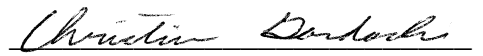
request stated that "I am disabled" though the handwriting suggested that the statement was made by Claimant's AHR, not Claimant. Despite this uncertainty, a decision is properly made based on evidence presented to DHS at the time of the MA application denial.

Listing an employee from a mental health treatment facility under a "Help from Others" application section is not highly suggestive of a claim of disability. The same reasoning applied to listing the facility as a mailing address. DHS could have reasonably presumed that Claimant receives psychological counseling but is able to work. DHS might have presumed that Claimant attends the mental health treatment facility for drug rehabilitation, a non-disabling obstacle. DHS might have presumed that the outpatient facility was Claimant's best address in lieu of Claimant's homelessness. DHS might have presumed that if Claimant received help with completing the application from a treatment center employee, then the employee would surely know to allege a claim of disability.

Based on the presented evidence, DHS had no compelling reason to believe that Claimant intended to assert a claim of disability. Accordingly, DHS properly did not evaluate Claimant for a claim of disability and properly denied Claimant's MA application. Claimant's proper remedy is and was to reapply for MA benefits.

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 MA application dated [REDACTED]. The actions taken by DHS are **AFFIRMED**.


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

Date Signed: 4/21/2014

Date Mailed: 4/21/2014

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:

