

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-25238
Issue No: 2006; 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2009
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on July 22, 2009. Claimant personally appeared and testified along with his caretaker

[REDACTED]

ISSUE

Did the department correctly take action to terminate claimant's Medicaid (MA) and State Disability Assistance (SDA) benefits in July, 2008?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant was approved for MA and SDA in February, 2008. On February 26, 2008, department mailed the claimant a letter telling him that he must apply for Social Security Disability and SSI before March 28, 2008.

2. On April 22, 2008, department received information from SSI Advocacy Program stating there were no records showing that the claimant had applied for Social Security.

3. On June 17, 2008, claimant's caseworker took action to terminate claimant's MA and SDA benefits and mailed a letter explaining that department's records do not show he had applied for Social Security, and to provide proof by July 1, 2008, if he did so.

4. Claimant then provided a letter from SSA dated March 21, 2008, showing he had a telephone interview and paperwork was needed to complete the application process. Pending MA and SDA closure was removed and a call was placed to the claimant explaining he must contact SSA to complete the process.

5. Claimant's MA and SDA benefits were again input for closure on July 7, 2008, with the effective date of July 19, 2008, because no verification from SSA that he had applied for disability had been received from the claimant.

6. Claimant requested a hearing on July 11, 2008, and department deleted MA and SDA negative action pending the outcome of the hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or

department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Claimant was approved for MA and SDA benefits. Departmental policy requires MA and SDA recipients to apply for any potential resources they may be eligible for. Policy further states that if a client fails to apply for potential resources, their MA and SDA case must be closed. PEM 271. Social Security benefits were a potential resource for the claimant and department asked repeatedly that he provide proof he had completed the application process for such benefits. Claimant failed to provide this proof, leaving the department no choice but to take action to terminate his MA and SDA benefits.

Claimant states that he feels his caseworker did her job and does not have any further objections to department's July, 2008 actions. Claimant states he only wants to pursue his 2009 application at this time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's MA and SDA benefits in July, 2008.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 9, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

IR [REDACTED]

cc:

[REDACTED]