

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: 2009-17936

Issue No: 2006; 4003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 23, 2009

Saginaw 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 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Medicaid (MA) and State Disability Assistance (SDA) benefits in October, 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 an MA and SDA recipient when the department terminated such benefits on October 22, 2008.
2. Documentation provided by the department shows an SSI Advocacy Program Instructions for SSI Appeals form dated January 2, 2008 stating that SSA had denied claimant's

SSI claim and for the department to ensure he appeals by requesting an Appeals Council Review within SSA time limit.

3. On January 3, 2008, department mailed the claimant a Verification Checklist, DHS-3503, stating MA eligibility review was needed, and giving him until January 15, 2008, to provide medical forms.

4. On April 29, 2008, another DHS-3503 was mailed to the claimant giving him until May 8, 2008, to provide medical forms.

5. On June 24, 2008, another DHS-3503 was mailed to the claimant this time asking him to provide proof of appeal for SSI claim denial, but not asking for any medical forms.

6. On September 11, 2008, another DHS-3503 was mailed to the claimant asking for proof of SSA appeal and documentations from his doctors of his disability.

7. On November 19, 2008, another DHS-3503 with program listed under other being “hearing”, was mailed to the claimant asking he return a complete hearing request form.

8. On November 21, 2008, another DHS-3503 was mailed to the claimant scheduling an interview appointment for November 25, 2008, for “MRDT” and asking he provide proof of SSI appeals and proof from doctors stating that he is disabled and why.

9. On November 25, 2008, another DHS-3503 was issued to the claimant for MA, SDA and FAP benefit determination, stating under other “Hearing Correction”, and asking he provide medical forms and return by December 9, 2008.

10. Documentation Record dated January 29, 2009, states that claimant requested an interview in December, 2008 due to a hearing request for SDA/MB, that an interview took place with the caseworker and her supervisor, and that it was explained to the claimant that the reason

his case had not been opened was due to the fact that he nor the doctors that were indicated on the SDA/MB paperwork returned any of the requested information.

11. Claimant requested a hearing on January 29, 2009, stating all of the requested medical records were provided to the department in May, 2008, that he requested a hearing, that a meeting took place on December 2, 2008, at which he was told it would be quicker to file a new SDA/MA claim then to wait for a hearing so he rescinded the request, that he called repeatedly to see what was happening with his case but caseworkers did not return his calls, and that it was eventually explained to him that he did not have to rescind his previous hearing request in order for his application to be processed.

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).

Department was represented at the hearing by a caseworker that had never handled this case and that had to be at the hearing because apparently neither the caseworker or the supervisor

involved with the case were available. Major part of the hearing was trying to figure out what happened on claimant's case. Computer inquiry showed that SDA benefits terminated on October 22, 2008. It is apparent from documentation provided that the reason for this was claimant's alleged failure to provide medical information needed for review. Claimant however stated in his hearing request and in his hearing testimony that requested medical information was provided to the department in May, 2008. Department's representative located an MRT deferral from January 28, 2009, in claimant's case record, so it is therefore apparent that medical information was indeed provided to the department sometimes prior to this date. In addition, since the claimant requested a hearing previously according to documentation provided, department should not have terminated his SDA and MA benefits in October, 2008.

In conclusion, department's documentation is confusing. There is no specific explanation as to what actions were taken on claimant's case and when. Department states on the Hearing Summary that actions prompting Hearing Request are "case processing of SDA/MB". There is no date completed as to when the department notified the claimant of department action, what the effective date of the action was, and what kind of action it was. Hearing Summary states that claimant's case was closed due to failure to return required verification as requested, but it does not state what date. The fact that MRT deferred their decision on claimant's disability at the end of January, 2009 indicates that the department did have medical information from the claimant sometimes in the months preceding MRT's evaluation. Hearing presence of the original worker or supervisor involved with this case that could present department's evidence and state what actually occurred would have been helpful in determining if department's actions were correct. In the absence of such testimony, evidence presented and information that could be obtained by department's representative during the hearing, who tried her best to search through the

claimant's record and put things together, leads to the conclusion that the department closed claimant's MA and SDA case incorrectly in October, 2008. Furthermore, it appears from claimant's hearing request, his hearing testimony, and DHS-3503 titled "hearing correction" that the claimant was lead to believe his case would be corrected and benefits reinstated when he withdrew his previous hearing request. This did not happen.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's MA and SDA benefits.

Accordingly, department's action is REVERSED. Department shall:

1. Obtain any additional information about claimant's employment income that apparently started in February, 2009 that is not already in department's possession.
2. Reinstate claimant's MA and SDA benefits back to October, 2008 closure date for each month following October, 2008 taking into account any income claimant had in these months.
3. Issue the claimant any MA and SDA benefits he was entitled to receive since October, 2008 up to the month he no longer meets such program eligibility requirements.
4. Notify the claimant in writing of this determination.

SO ORDERED.

/s/

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

Date Signed: August 3, 2009

Date Mailed: August 3, 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.

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