

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: 2009-21835
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 23, 2009
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on June 23, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) have a negative action in this case?

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 received a fully favorable Social Security Administration disability decision October 3, 2007 which indicated that claimant should be eligible for Supplemental Security Income and was found disabled beginning [REDACTED] because of a seizure

disorder, post traumatic stress disorder, vertigo, and depression so severe that she was unable to perform any work existing in significant numbers in the national economy.

(2) There was no ongoing open Medical Assistance case for claimant.

(3) On February 19, 2009, [REDACTED] filed a request for a hearing on claimant's behalf stating that claimant has been determined disabled by a Social Security Law Judge and the worker had not activated coverage or sent a denial to the representative.

(4) On March 9, 2009, claimant then applied for Medical Assistance and Food Assistance Program assistance. The application indicated that claimant was applying for the Adult Medical Program and it indicated on the application that she was able to work.

(5) On March 24, 2009, claimant was found eligible to receive Food Assistance Program benefits and the Adult Medical Program and an Adult Medical Program and Food Assistance Program case was opened.

(6) The caseworker did an updated SOLQ report indicating that claimant was denied Social Security and her claim was being appealed.

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).

In the instant case, there was conflicting evidence contained in the record. This Administrative Law Judge cannot determine if claimant was currently eligible to receive Medical

Assistance benefits based upon her eligibility for Supplement Security Income under the Social Security Administration.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that it is impossible to determine whether or not claimant is eligible to receive Supplement Security Income from the Social Security Administration based upon the evidence contained in the file.

Accordingly, the department's decision is REVERSED. It is ORDERED that the department shall conduct an investigation with the Social Security Administration and determine whether or not claimant is eligible to receive Supplemental Security Income. If claimant is otherwise eligible to receive Supplemental Security Income, the department shall open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement. The department shall inform the claimant of the determination in writing.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2009

Date Mailed: September 30, 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.

LYL/vmc

cc:

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