

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: 2009-35450
Issue No: 2027
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 14, 2009
Gladwin 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 October 14, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine that the claimant was no longer eligible for Medicaid (MA) program?

FINDINGS OF FACT

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

1. On August 17, 2009, department received information from Social Security Administration (SSA) that claimant's SSI benefits have been suspended/denied because his payee is a "non-responder". Claimant's payee had apparently failed to submit required accounting forms to SSA.

2. Claimant was eligible for MA coverage based on receipt of SSI, but because his benefits have now been suspended, department took action on August 19, 2009 to terminate claimant's MA effective September 1, 2009.

3. On August 31, 2009, claimant requested a hearing on MA and Food Assistance Program (FAP). Claimant's FAP benefits had not changed and the hearing issue is MA.

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).

Hearing testimony reveals that the claimant's SSI payee is a husband of one of DHS local office volunteers. Claimant states that all of the required forms have been submitted to SSA, but their office keeps losing them. Claimant further states that another copy of the forms was submitted to SSA office two weeks ago in person, but they were apparently lost also. Department's hearing representative states that she will check with the payee and also attempt to call SSA office to hopefully resolve this issue so the claimant's SSI benefits can continue.

Second issue of this hearing is department's action to terminate claimant's MA benefits because his SSI stopped. Departmental policy, BEM 150, directs the department to set a review date and determine claimant's MA eligibility for other MA programs prior to terminating MA benefits in cases where an SSI recipient stops receiving SSI. In claimant's case his SSI does not appear to have stopped because he no longer meets disability criteria, but because of payee

accounting SSA claims they did not receive. Even if claimant ended up not receiving SSI any more, his potential MA eligibility based on disability MA per BEM 260 must be addressed.

DECISION AND ORDER

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

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

1. Attempt to resolve SSI eligibility issue with claimant's payee and possibly SSA office if necessary.
2. If claimant's SSA issue is resolved and he continues to receive SSI, no further action is needed, as claimant will also continue to receive MA.
3. If claimant does not continue to receive SSI, department must complete MA eligibility determination for disability based MA per PEM 260.

SO ORDERED.

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

Date Signed: November 3, 2009

Date Mailed: November 5, 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]