

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: 2010-11568
Issue No: 2018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2010
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 May 27, 2010. Claimant personally appeared.

ISSUE

Did the department properly terminate claimant's Medicaid (MA) benefits effective October 1, 2009?

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 September 18, 2009, the department notified claimant in writing his ongoing MA case would be closed, effective October 1, 2009.

(2) On October 1, 2009, claimant filed a hearing request to dispute the closure because the facts of his case remained unchanged at that time (he was still receiving ongoing monthly Social Security Administration (SSA) benefits based on disability status).

(3) Claimant's hearing was not held until May 27, 2010.

(4) At hearing, the department's witness stipulated claimant's SSA disability case was ongoing in October 2009 and beyond, as far as he knew.

(5) No policy reason was stated for the department's MA case closure except to say they acted in accordance with the computer-generated notice from BRIDGES.

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).

If an individual has received a disability allowance from the SSA, that decision is binding on the department for MA eligibility purposes pursuant to BAM Item 115, pg 8, consistent with the governing federal regulation which states: "An SSA determination is binding on an agency until that determination is changed by the SSA."

The sole material fact at issue in this case was not disputed at hearing. Claimant was receiving federal disability benefits at all times relevant. As such, the department's closure of claimant's MA case at that time was premature and it simply cannot be upheld. The case must be reinstated without completion of a new application based on agency error (See BAM Item 205,

pg 1). If claimant's circumstances have changed since the erroneous closure date, the department should follow-up in compliance with the mandatory redetermination policy set forth in BAM Item 210.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erroneously terminated claimant's MAbenefits in October 2009.

Accordingly, the department's action is REVERSED, and this case is returned to the local office for the action specified above. **SO ORDERED.**

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 10, 2010

Date Mailed: June 10, 2010

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 receipt 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.

MBM/db

cc:

