

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201041705
Issue No.: 2007
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on November 4, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On June 10, 2010, the Department sent the Claimant a notice that his MA and SDA would be closed on June 22, 2010.
2. On June 18, 2010, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 (formerly known as the Family Independence Agency) 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).

In the instant case, the Claimant failed to apply for SSI disability within the time period allotted.

No SSI Claim Filed with SSA

Refer the client to SSA to file an SSI application.

The client can establish a **protected filing date** for SSI benefits by taking the following actions:

Calling SSA (toll free at 1-800-772-1213).

Indicating the intent to apply for SSI.

Obtaining a scheduled appointment date and time with an SSA District Office to file the formal SSI application.

The local office can expedite the filing of the initial SSI application by providing the client with access to a telephone for the toll free call to SSA.

Have the client sign the following:

DHS-1555, Authorization to Release Medical Information.

DHS-3975, Reimbursement Authorization.

A new DHS-3975 must be signed at every reapplication for SSI **and before** eligibility for state-funded FIP/SDA and disability-related MA is established.

Approve client for SDA and disability-related MA.

Complete a DHS-1551, Notice to Apply, to notify the client in writing to keep the scheduled appointment with SSA and file the formal SSI application. Give the client the original DHS-1551. File a copy in the medical packet.

Send the following items to SSA:

DHS-3975.
A return envelope.
DHS-1552.

File the original DHS-1555 in the medical packet.

Verify whether the client has filed an application for SSI within 10 calendar days. Acceptable verification includes:

DHS-1552.Single Online Query (SOLQ).

Documented telephone contact or written acknowledgment from SSA.

Allow an extension if the client is unable to file an SSI application within the 10 calendar day limit for any of the following reasons:

The client is ill.

The client's county of residence does not have an SSA district office.

SSA is unable to schedule an appointment within 10 calendar days. Allow the client to verify they have a scheduled appointment date and time to file the formal SSI application.

If the client is cooperating with the SSI application process, continue with step 12. **If the client is not cooperating, close state-funded FIP/SDA and MA-P.** End procedure.

Send a copy of the medical packet to the disability examiner at the Disability Determination Service (DDS) **after the client has applied for SSI.** Use DHS-1992, -1993, -1994, -1995, SSI Medical Evidences Routine Slip, to transmit a copy of medical evidence to DDS. Use the appropriate Medical Evidence Route Slip for the DDS office serving your local office. Use an interdepartmental mail envelope to preserve confidentiality. (BEM 271, pp. 4-5)

This ALJ finds that the claimant was not in compliance and that the department correctly moved to close the claimant's MA and SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/1/2010

Date Mailed: 12/1/2010

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 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.

MJB/jlg

cc:

