

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:

[REDACTED]

Reg. No.: 2010-52803
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 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 December 9, 2010. The Claimant was represented by his/her Authorized Representative (AR) [REDACTED].

ISSUE

Was the department correct in denying the claimant's application for MA and retroactive MA?

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 April 8, 2010, the claimant's AR filed an application for MA and retroactive MA.
2. On May 24, 2010, the department denied the claimant's MA and retroactive MA applications.
3. On August 10, 2010, the claimant's AR 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

201052803/MJB

400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case, the AR testified that the Social Security Administration (SSA) approved the claimant's MA.

SSI recipients who are Michigan residents receive MA-SSI in Bridges for the duration of SSI eligibility. You do **not** have to conduct redeterminations. However, if SSI stops, you may have to determine continued MA eligibility. See [SSI TERMINATIONS](#) below. (BEM 150, p.5)

In the instant case, the department denied the claimant's MA and retroactive MA applications because the Adult medical Program was closed at the time of application.

This ALJ finds that by virtue of the claimant's qualifying for SSI disability the claimant is automatically eligible for MA and retroactive MA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES** and **ORDERS** the department to reregister and process the claimant's April 8, 2010, MA and retroactive MA applications.



Michael J. Bennane
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/12/2011

Date Mailed: 1/12/2011

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.

201052803/MJB

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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