

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-54547
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 10, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 10, 2011. [REDACTED] of [REDACTED] (L&S) appeared and testified as Claimant's authorized hearing representative.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits dated 4/22/10 due to Claimant's failure to verify pursuit of Social Security Administration (SSA) benefits.

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 4/22/10, Claimant's authorized representative (AR), L&S, submitted an Assistance Application on behalf of Claimant requesting MA benefits (retroactive to 2/2010) based on disability.
2. On 5/5/10, DHS requested verification of Claimant's pursuit of Social Security Administration benefits
3. On 5/14/10, Claimant's representative informed DHS via fax that Claimant had an appointment on 5/19/10 concerning pursuit of SSA benefits.
4. On 6/10/10, DHS denied Claimant's application for MA benefits due to DHS failing to receive verification of Claimant's pursuit of SSA benefits.

5. On 9/7/10, Claimant's representative requested a hearing disputing the denial of MA benefits.

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 (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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Clients must apply for benefits for which they may be eligible. BEM 270 at 1. This includes taking action to make the entire benefit amount available to the group. *Id.* Any action by the client or other group members to restrict the amount of the benefit made available to the group causes ineligibility. *Id.*

For MA benefits, Retirement, Survivors, Disability insurance (RSDI) and Supplemental Security Income (SSI) are both potential benefits which must be pursued by persons seeking MA benefits based on disability. *Id.* at 2. RSDI and SSI benefits are offered by SSA. A client's statement at application, redetermination or change that he/she has applied for or is not eligible for the potential benefit is to be accepted by DHS unless the statement is unclear, inconsistent or in conflict with other information.

In the present case, it was not disputed that on 5/14/10, Claimant's representative informed DHS via fax that Claimant was pursuing SSA benefits by informing DHS that Claimant had an appointment with SSA to apply for SSA benefits. The only issue to be determined is whether this information was sufficient to satisfy Claimant's verification requirement to pursue other benefits.

DHS testified that they made several attempts to verify Claimant's SSA pursuit of benefits through their own database. DHS indicated that they those attempts did not result in verifying an application for SSA benefits. It could be reasonably contended that the DHS inability to verify an application date with SSA through their database is inconsistent information with Claimant's representative's unverified statement that Claimant had an appointment for SSA benefits. If it is found to be inconsistent, then DHS would have properly required verification of the pursuit of SSA benefits and

Claimant's application might have been properly denied. The undersigned is not inclined to make that finding under the present circumstances.

At the time DHS requested the verification of SSA benefit pursuit (5/5/10), Claimant's AR conceded that SSA benefits were not pursued. Claimant's AR advised DHS that Claimant was planning on applying for SSA benefits on 5/19/10. Insufficient evidence was presented concerning whether DHS was unable to verify Claimant's SSA pursuit of benefits following this date. DHS did not establish that there was some inconsistency between the time of Claimant's appointment date with SSA (5/19/10) and the time of denial (6/10/10). Had DHS shown that between 5/19/10-6/10/10 that their database was still unable to verify Claimant's SSA application; such information might have impacted the decision of the undersigned. However, based on the evidence presented, it is found that DHS improperly denied Claimant's MA benefit application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 4/22/10 for MA benefits. It is ordered that DHS reinstate Claimant's application and process it in accordance with the finding that the reporting of an SSA appointment satisfied Claimant's obligation to pursue SSA benefits. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 1/24/2011

Date Mailed: 1/24/2011

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.

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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