

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.: 201011470
Issue No.: 2013
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 24, 2010
Wayne County DHS (49)

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 June 24, 2010. The claimant appeared and testified. The Claimant was represented by his sister/guardian [REDACTED].

ISSUE

Did the Department properly close the claimant's, Medical Assistance (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. In September, 2009, the department, as part of a redetermination found the claimant no longer eligible for MA.
2. On October 17, 2009, 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 claimant, a 57 year-old mentally retarded claimant had been receiving SSI benefits since 1977. The department found that the claimant's SSI closed for reasons other than a DAC RSDI increase. (Department exhibit 1)

At the hearing the evidence showed that the claimant's SSI closed for precisely the reason the department said it hadn't in its exhibit 1.

VERIFICATION REQUIREMENTS

Verification of the following factors unique to DAC eligibility is required prior to authorizing DAC MA eligibility:

Receipt of SSI on the basis of blindness or a disability.
Termination of SSI on or after July 1, 1987 because of entitlement to DAC RSDI benefits or an increase in such benefits. (BEM 158, p. 3)

Here, the department provided the evidence that proved that the claimant's SSI was terminated because he became eligible for RSDI.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law REVERSES AND ORDERS the Department to correct its error by opening the claimant's MA retroactively back to the date of denial.



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

Date Signed: 07/13/2010

Date Mailed: 07/13/2010

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.

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