STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: Reg. No.: 2011-29063

Issue No.: 2027

Case No.: Hearing Date: May 18, 2011

DHS County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437, upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 18, 2011. The Claimant appeared and testified.

<u>ISSUE</u>

Did the Department of Human Services (Department) properly close his Medic al Assistance (MA) when his SSI terminated?

FINDINGS OF FACT

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

- On May 1, 2011, the Department closed the Claimant's MA because his SSI was closed.
- On April 6, 2011, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (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 Bridges Reference Manual (BRM).

In the instant case, the Claimant's SSI was closed and the Department closed his MA.

Pertinent policy states:

MA While Appealing Disability Termination

MA eligibility continues for an individual who:

Has been terminated from SSI because he is no longer considered disabled or blind, and

See BEM 260 about SSI denial codes.

Has filed an appeal of the termination with SSA within SSA's 60-day time limit, and

See BEM 260 for information about the SSA appeal process and appeal codes.

Is a Michigan resident.

Other eligibility factors such as income, assets and third party resource liability are **not** an issue.

MA eligibility continues until the person:

Exhausts his SSA appeal rights, or

Fails to file an appeal at any st ep within SSA's 60-day time limit, or

Is no longer a Michigan resident. (BEM 150, p. 6).

Here, the Department cites t he Claimant's SSI termination as its reason for closing the Claimant's MA. This Administrative Law Ju dge finds that the Department did not follo w the above requirements.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reopen the Claimant's MA back to May 1, 2011, and apply the above policy.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: June 27, 2011

Date Mailed: June 27, 2011

2011-29063/MJB

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/cl

