

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No. 201136150  
Issue No. 2027  
Case No. [REDACTED]  
Hearing Date: July 14, 2011  
Wayne County DHS (31)

**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 July 14, 2011 from Detroit, Michigan. Claimant's father, [REDACTED], appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Medical Assistance (MA) benefits following a termination of Supplemental Security Income (SSI) benefits.

**FINDINGS OF FACT**

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

1. Claimant was an ongoing MA benefit recipient.
2. Claimant's basis for receiving MA benefits was for being an SSI recipient.
3. On an unspecified date, Social Security Administration terminated Claimant's SSI benefits.
4. On 2/4/11, DHS mailed an Assistance Application to Claimant in an attempt to evaluate Claimant for MA benefits for a basis other than being an SSI recipient.
5. DHS gave Claimant a due date of 2/17/11 to return the Assistance Application.

6. Claimant failed to return the Assistance Application.
7. On an unspecified date, DHS initiated termination of Claimant's MA benefits on the basis that Claimant was no longer eligible for MA as an SSI recipient and that Claimant failed to return the Assistance Application so other MA programs could be evaluated.
8. The MA stoppage was effective beginning 4/2011.
9. On 5/2/11, Claimant requested a hearing to dispute the MA benefit termination.

### **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). DHS 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.

The undersigned will refer to the DHS regulations in effect as of 3/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

SSI is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. BEM 150 at 1. The SSA determines SSI eligibility. *Id.* DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. *Id.*

When SSI benefits stop, central office evaluates the reason based on SSA's negative action code then does one of the following:

- SSI Closure. MA-SSI is closed in Bridges if SSI stopped for a reason that prevents continued MA eligibility (e.g., death, moved out of state). Bridges (the DHS database) sends the recipient a DHS-1605.
- Transfer to SSIT. SSI cases not closed due to the policy above are transferred to the SSI Termination (SSIT) Type of Assistance. A redetermination date is set for the second month after transfer to allow for an ex parte review. *Id.* at 5.

It was not disputed that Claimant's SSI benefits were terminated by SSA for the purpose of issuing Retirement, Survivors, Disability Insurance (RSDI) benefits to Claimant. DHS

continued Claimant's MA benefits and attempted to perform an ex parte review by mailing Claimant an Assistance Application so Claimant could be evaluated for MA benefits for a basis other than as an SSI recipient. It was not disputed that Claimant failed to return the Assistance Application to DHS.

Claimant, or his father, could have simply returned the Assistance Application to have DHS evaluate Claimant for continued MA benefit coverage. For purposes of continuing MA benefits, Claimant's failure to return the application was fatal. DHS followed all necessary procedures in terminating Claimant's MA benefits. As discussed during the hearing, Claimant's father is encouraged to reapply for MA benefits so his son could be reevaluated for MA benefit eligibility. For purposes of the MA benefit termination, it is found that DHS properly terminated Claimant's MA benefits.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefits effective 4/2011. The actions taken by DHS are AFFIRMED.



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

Date Signed: July 15, 2011

Date Mailed: July 15, 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.

CG/hw

cc:



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