

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

IN THE MATTER OF:



Reg. No.: 2011-42568
Issue No.: 2027
Case No.: [REDACTED]
Hearing Date: September 20, 2011
DHS County: Macomb (20)

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; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on September 20, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close her Medical Assistance (MA), when her 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:

1. On May 31, 2011, the Department closed the claimant's MA because her SSI was closed.
2. On June 3, 2011, the claimant filed a request for a hearing.

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 Bridges Reference Manual (BRM).

In the instant case, the claimant's SSI was closed and the Department closed her 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 step within SSA's 60-day time limit, or

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

Here, the Department cites the claimant's SSI termination as its reason for closing the claimant's MA. This Administrative Law Judge finds that the Department did not follow 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 31, 2011, apply the above policy, and replace any appropriate benefits.

Michael
Administrative
for
Department

Date Signed: September 29, 2011

Date Mailed: September 29, 2011



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MJB/cl

cc:

