

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-1694
Issue No: 2009
Case No: [REDACTED]
Load No:
Hearing Date:
February 8, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on February 8, 2011, in Highland Park. Claimant personally appeared and testified under oath.

The department was represented by Alvin Anderson (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly deny claimant's MA-P application because claimant was an active SSI recipient in Pennsylvania on the date of her application in Michigan?

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 September 7, 2010, claimant applied for MA-P in Wayne County.
- (2) On the date of application, claimant was receiving SSI benefits at her address in [REDACTED].
- (3) The caseworker noticed claimant's [REDACTED] address on the DHS-1171, which claimant filed in September 2010.

- (4) Because of the discrepancy in claimant's addresses, the caseworker contacted the Social Security Administration to obtain reliable information on claimant's current address.
- (5) In September 2010, SSA informed claimant's caseworker that claimant's SSI checks were being sent to claimant at her [REDACTED] address.
- (6) Based on information provided by SSA, the caseworker determined that claimant was not eligible for MA-P benefits in Michigan because she was currently receiving SSI benefits at an [REDACTED] address.
- (7) On September 13, 2010, the caseworker sent claimant an Eligibility Notice (DHS-1605) which states:

You are currently receiving disability in another state, and must have SSI transferred to Michigan, in order to be eligible for disability income in this state.

BEM 260.
- (8) On September 27, 2010, the claimant requested 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Current MA eligibility requirements are found in PEM/BEM 260. See also PAM/BAM 600.

Currently, all Medical Assistance programs offered by the Department of Human Services require that a person requesting assistance from the State of Michigan establish residency in The State of Michigan.

Since claimant acknowledged that she was receiving SSI benefits in Erie, Pennsylvania, and this was verified by the Social Security Administration (SSA), claimant was not eligible for MA benefits in the State of Michigan. PEM/BEM 150.

Based on the preponderance of the evidence in the record, at the time of application, claimant did not provide *prima facie* evidence of Michigan residency.

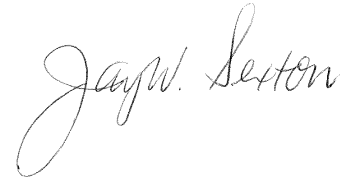
Therefore, the department correctly denied claimant's MA-P application based on claimant's failure to establish Michigan residency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's MA-P application based on claimant's residency in Erie, Pennsylvania at the time of application, claimant did not meet the State of Michigan residency requirements for MA-P.

Therefore, the department's actions are, hereby, AFFIRMED.

SO ORDERED.



Jay W. Sexton
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 9, 2011

Date Mailed: September 12, 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 receipt 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.

JWS/tg

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cc:

