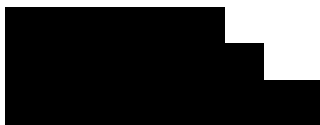


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201125982

Issue No: 2018/4031

Hearing Date:

June 9, 2011

Midland County DHS

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 received on March 29, 2011. After due notice, a telephone hearing was held on June 9, 2011. The claimant personally appeared and provided testimony.

ISSUE

Whether the department properly determined the claimant's eligibility for Medical Assistance (MA) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. The claimant prepared an application for MA and SDA benefits. (Hearing Summary)
2. The claimant did not indicate on the application that he was either physically or mentally unable to work full-time. (Department Exhibit 12)
3. On March 24, 2011, the department mailed the claimant a Notice of Case Action denying the claimant's application because he was not disabled. (Notice of Case Action, Department Exhibits 27-29).
4. The department was unable to ascertain the claimant's eligibility for the Adult Medical Program (AMP) due to an enrollment freeze. (Notice of Case Action, Department Exhibit 29).
5. On March 29, 2011, the claimant submitted a hearing request challenging the denial of his application for SDA and MA benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The State Disability Assistance (SDA) program provides financial assistance to disabled adults to help them pay for living expenses such as rent, heat, utilities, clothing, food and personal care items. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180.

SDA is a cash program for individuals who are not eligible for Family Independence Program (FIP) benefits and are disabled or the caretaker of a disabled person. An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. BEM 214.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261. A person is disabled for SDA purposes if he:

- Receives other specified disability-related benefits or services, see Other Benefits or Services below, or
- Resides in a qualified Special Living Arrangement facility, or
- Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS), see Medical Certification of Disability. BEM 261.

Persons receiving one of the following benefits or services meet the SDA disability criteria:

- Retirement, Survivors and Disability Insurance (RSDI), due to disability or blindness.
- Supplemental Security Income (SSI), due to disability or blindness.
- Medicaid (including deductible) as blind or disabled if the disability/blindness is based on:

- A disability examine (DE)/medical review team (MRT) determination, or
- A hearing decision, or
- Having SSI which was based on blindness or disability that was recently terminated (within the past 12 months) for financial reasons; see Recently Eligible for SSI in BEM 260. BEM 261.
- Michigan Rehabilitation Services (MRS). A person is receiving services if he has been determined eligible for MRS and has a signed active individual plan for employment (IPE) with MRS. Do **not** refer or advise applicants to apply for MRS for the purpose of qualifying for SDA.
- Michigan Commission for the Blind (COB). A person is receiving services if he has been determined eligible for COB and has an active COB case.
- Special education services from the local intermediate school district. To qualify, the person may be:
 - Attending school under a special education plan approved by the local Individual Educational Planning Committee (IEPC);
 - or**
 - Not attending under an IEPC approved plan but has been certified as a special education student **and** is attending a school program leading to a high school diploma or its equivalent, **and** is under age 26. The program does not have to be designated as special education as long as the person has been certified as a special education student. Eligibility on this basis continues until the person completes the high school program or reaches age 26, whichever is earlier.
- Refugee or asylee who lost eligibility for SSI due to exceeding the maximum time limit. BEM 261.

Additionally, persons admitted to a qualified Special Living Arrangement (SLA) facility meet the SDA disability criteria. Qualified SLA facilities are:

- Homes for the aged,
- County infirmaries,
- Adult foster care homes, and
- Substance abuse treatment centers (SATC). BEM 261.

Moreover, a person receiving post-residential substance abuse treatment meets SDA disability criteria for 30 days following discharge from the SATC. To qualify, the person must:

- Have received SDA while residing in the SATC, and
- Continue outpatient substance abuse treatment immediately following discharge.

Note: If a client states they have a plan and a scheduled date to continue outpatient substance abuse treatment, then they would be eligible for the 30 days post treatment SDA. BEM 261.

The Medical Assistance (MA) program was established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The department administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies for the MA programs are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

The MA program is also referred to as Medicaid. The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. Another category is SSI recipients. There are several other categories for persons not receiving FIP or SSI. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. Therefore, these categories are referred to as either FIP-related or SSI-related.

To receive Medicaid under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant women, receive Medicaid under FIP-related categories. For MA only, a client and the client's community spouse have the right to request a hearing on an initial asset assessment only if an application has actually been filed for the client. BAM 105.

Policy indicates that applications received during the freeze on Adult Medical Program (AMP) enrollments must be registered and denied using "applicant did not meet other eligibility requirements" as the denial reason. BEM 640.

In this case, the claimant is a single adult. The claimant personally prepared the application for SDA and MA which he submitted to the department on March 24, 2011. On the application when asked to list anyone applying for assistance that is physically or mentally unable to work full-time, the claimant responded "none." (Department Exhibit 12) On the next section of the application where the claimant was asked is this person able to work, the claimant indicated "yes." (Department Exhibit 12) On March 24, 2011, the claimant and a department case worker had a telephone conversation regarding his pending application. (Department Exhibit 21) The department case worker reported that the claimant denied having a disability and admitted that he is able to work. The claimant testified that he told the department's case worker that he did not have a physical disability, but that he had an emotional or

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.

CAP/db

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