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

IN THE MATTER OF:

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-31419 2006; 2013; 2015; 2027 June 7, 2012 Wayne (17)		
ADMINISTRATIVE LAW JUDGE: Alice C. Elkin				
HEARING DEC	ISION			
This matter is before the undersigned Administrated MCL 400.37 following Claim ant's request delephone hearing was held on June 7, 2012, from the celephone hearing was held on June 7, 2012, f	for a hearing. Afte om Detroit, Mi chio ticipant s on behal , Fan	er due notice, a gan. Participants on		
ISSUE				
Did the Department properly ☐ deny Claiman t's for:	s application 🔀 clo	ose Claimant's cases		
Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)? Direct Support Services (DSS)?		sistance (AMP)? Assistance (SDA)? Ent and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on t he evidence on the whole record, finds as material f		al, and substantial		
1. Cla imant ☐ applied for benefits ⊠ received	benefits for:			
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). ☐ Direct Support Services (DSS). 	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		

_	On January 1, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's MA cases.
[On December 1, 2011 and December 17, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closures.
	On December 19, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☑ closure of the cases.
	CONCLUSIONS OF LAW
	partment policies are contained in the Br idges Administrative Manual (BAM), the lges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Res 42 l Age thro	The Family Independence Program (FIP) was established purs uant to the Personal sponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, JSC 601, et seq. The Department (formerly k nown as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 augh Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ctive October 1, 1996.
prog impl Reg Age	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) gram] is establis hed by the Food St amp Act of 1977, as amend ed, and is lemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 ugh Rule 400.3015.
Sec The Age	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ia surity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). Department of Human Services (formerly known as the Family Independenc ency) administers the MA program pursuant to MCL 400.10, et seq., and MC L.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ninistered by the Department pursuant to MCL 400.10, <i>et seq</i> .
for o	The State Disabilit y Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human vices (formerly known as the Family Independence Agency) administers the SDA gram pursuant to MCL 400.10, et seq., and 2000 AACS, R 400. 3151 through Rule .3180.
and	The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE XX of the Soc ial Security Act, the Ch ild Care and Developm ent Block Grant of 0, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

The program is implemented by Title 45 of the Code of Fede ral Regulations, Parts 98 and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is adminis tered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

Additionally, Claimant requested a hearing to dispute the closure of his MA case and his two children's MA cases.

Children's MA Cases

The Department testified that Claimant's children 's MA coverage under Other Health y Kids was closed effective January 1, 2012 because Claim ant had failed to submit a completed redetermination.

A client m ust complete a redet ermination at least every 12 m onths in order for the Department to determine the c lient's continued eligibility fo r benefits. BAM 210. MA benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210.

In this cas e, the Department testified that it sent Claimant a redetermination for his children's continued MA eligibility on No vember 15, 2011 to the addres s Claimant verified on the record. Claim ant testifi ed that his landlord. who lived in another apartment in the same building he resided, was the only person who had access to the locked mailbox containing his mail. Claim ant further testified that whenev er he ask ed for his mail, his landlord turned it over and he was not aware of the landlord retaining any of his mail. Under the ci rcumstances in this case, Claimant has failed to rebut the presumption of his receipt of the properly addressed redetermation that was mailed in the Department's ordinary c ourse of business. See Good v Detroit Automobile Inter-Insurance Exchange, 67 Mich App 270 (1976). Thus , the Department acted in accordance with Department policy when it closed Claimant's children's MA cases.

Claimant may reapply for MA benefits for his children.

Claimant's MA case

The Depar tment testi fied that it closed Claimant's SSI-related MA case effective December 31, 20 11, when the Social Se curity Administration (SSA) terminated h Social Sec urity Insurance (SSI) benefits because he was no longer classified as disabled by the SSA. If a client is no longer eligible for disability-related MA and the client is not eliable for other MA coverage. the Department must close the client's MA must continue M A coverage for a client case. BAM 220. However, the Department whose SSI benefits were terminated bec ause he is no longer considered disabled where the client timely filed an appeal of the termination with the SSA and a final determination of no disability has not been made by the SSA. BEM 150; BEM 260. The Department must also continue MA coverage for a client whose SSI eligibility based on disability was terminated due to financial factors. BAM 220; BEM 260.

In this case, the Department presented no evidence that Claimant's SSI be nefits were terminated because there was a final determination by the SSA that Claimant was no longer considered disabled. In fact, the Department presented no evidence that Claimant received SSI benefits at all. To the contrary, the Department presented a report from the Single On-Line Query (SOLQ), its data exchange with the SSA, showing that Claimant had been receiving ongoing Retirement, Survivors, Disability Insurance (RSDI) benefits based on a disability and was continuing to receive such benefits. A person eligible for RSDI benefit subsed on his disability meets the disability criteria making the individual eligible for SSI-related MA. Bem 105; BEM 260. Because Claimant received RSDI benefits based on his disability, the Department did not act in accordance with Department policy when it closed Claimant's MA case.

Furthermore, before closing an MA case based on an actual or anticipated change (other than a change that woul diresult in closure due to i neligibility for all MA), the Department must conduct an ex parte review , which includes consider ation of all potential MA categories. BAM 210. The evidence at the hearing established that Claimant has two min or children in the home, which would make him eligible for FIPrelated MA. BEM 105. While the Depar tment presented evi dence that Claimant previously had FIP-related MA that closed because of income ineligibility, there was no evidence that the Department reconsidered Claimant's circum stances at the time it closed his SSI-related MA effective January 1, 2012, to determine his ongoing eligiblity for MA coverage under other MA categories. Thus, the Department further failed to act in accordance with Department policy by failing to conduct an ex parte review.

Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, the Administrative Law Judge conclud es that the D epartment properly closed Claimant's ch ildren's MA cases and improperly closed Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and of Law, and for the reasons stated on the record, finds that the Department ☑ did act properly when it closed Claimant's children's MA cases. ☑ did not act properly when it closed Claimant's SSI-related MA case.	
Accordingly, for the reasons stated above and on the record, the Departme is AFFIRMED REVERSED AFFIRMED IN PART with respect to Claimant's children's MA cases and REVERSED IN PART with respect to Claimant's MA case.	to closur e of
THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN	10 DAYS OF

1. Reinstate Claimant's MA case as of January 1, 2012;

2. Provide Claimant MA cove rage he was eligible to receive from January 1, 2012, ongoing in accordance with D epartment policy and consistent with this Hearing Decision.

Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 15, 2012

Date Mailed: June 15, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely 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 <u>MAY</u> 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, math ematical error, or other obvious errors in the he aring 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

Re consideration/Rehearing Request P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/cl

