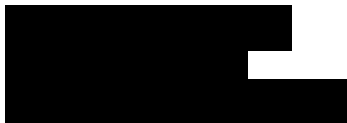


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201214839
Issue No: 4070, 2024
Case No: [REDACTED]
Hearing Date: January 24, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 December 20, 2011. The claimant's appointed representative, Ms. Hoover, appeared and provided testimony.

ISSUE

Whether the department properly cancelled the claimant's State Supplemental Payments (SSP) and the claimant's Medical Assistance (MA) case?

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 is a recipient of SSI benefits.
2. On October 15, 2011, the department sent the claimant notice that her State Supplemental Payments and her Medical Assistance (MA) case would be cancelled due to her no longer being a resident of the state of Michigan.
3. The department based their residency assertion on information obtained from the Social Security Administration which states that the claimant was no longer a resident of the state of Michigan. (Department Exhibit 3).
4. The claimant filed a request for hearing on October 25, 2011 protesting the cancellation of her SSP and MA benefits.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The State Supplementary Security Income program was established pursuant to Title XVI of the Social Security Act in 42 USC 1381, *et seq.*, and implemented by the provisions of Title 20 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the State SSI program pursuant to 2002 PA 529, MCL 400.10, *et seq.*, and by agreement between the State of Michigan and the United States Secretary of Health and Human Services (Secretary). Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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. 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. Medicaid is also known as Medical Assistance (MA).

Department policy states:

SSI BENEFITS

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. It is a federal program administered by the Social Security Administration (SSA). States are allowed the option to supplement the federal benefit with state funds. In Michigan, SSI benefits include a basic federal benefit and an additional amount paid with State funds. The amount of the state benefit varies by living arrangement. BEM, Item 660, p. 1.

Payments are made for only those months the recipient received a regular monthly federal benefit. SSPs are NOT issued for retroactive or supplemental federal benefits. BEM, Item 660, p. 1.

In relation to MA benefits, department policy states that claimant's may be automatically eligible for MA if they are both a SSI recipient and a Michigan resident. BEM 150.

In the case at hand, the claimant's personal representative testified that the claimant had gone to Arizona for a month to visit her son and that she had changed her address with the Social Security Administration in order to receive her check while she was out of town. She further testified that once the claimant had returned home, she immediately contacted the Social Security Administration to correct her address. The claimant's representative testified that claimant had not moved from the state of Michigan and that she had no intent of changing her residence. At the hearing, the department representative testified that if the claimant's representative produced evidence from the Social Security Administration showing that the claimant's address had been corrected, that the department would agree that the claimant's SSP and MA benefits had been closed in error and that the claimant should be entitled to any SSP and MA benefits that had not been provided as a result of the closure. This Administrative Law Judge allowed the claimant's representative to supply the requested information and said information was in fact received. The claimant's representative produced a letter from the Social Security Administration dated November 1, 2011 that states that the claimant is living in the state of Michigan for September 1, 2011 on (see Claimant Exhibit C1-2). Therefore, the claimant has shown that there was an error made with respect to the claimant's residence and that the claimant's SSP payments and MA benefits should have not been terminated due to residency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly terminated the claimant's SSP payments and MA benefits due to the claimant not residing in the state of Michigan.

Accordingly, the department's actions are **REVERSED**.

It is HEREBY ORDERED that if the claimant is otherwise eligible to receive such, the department shall issue any SSP benefits that the claimant is entitled to back to the date of negative action. Additionally, if the claimant is otherwise eligible, the department shall reinstate the claimant's MA benefits back to the date of negative action and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/S/
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 31, 2012
Date Mailed: January 31, 2012

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.

CSS/cr

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