

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201226240
Issue No: 2027
Case No: [REDACTED]
Hearing Date: May 8, 2012
Wayne County DHS #57

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 claimant's request for a hearing. After due notice, a telephone hearing was held on May 8, 2012. The claimant personally appeared and provided testimony.

ISSUE

Did the department close the claimant's Medical Assistance (MA) case due to his no longer receiving SSI 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 was a recipient of MA benefits.
2. The department became aware that the claimant was no longer a recipient of SSI benefits.
3. The department sent the claimant a notice of case action (DHS 1605) on December 5, 2011, stating that his MA case would be closing effective January 1, 2012.
4. The claimant submitted a hearing request on December 15, 2011, protesting the closure of his MA case.

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. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The MA program is also referred to as Medicaid. BEM 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. BEM 105. The Medicaid program is comprised of several sub-programs or categories. One category is FIP recipients. BEM 105. Another category is SSI recipients. BEM 105. There are several other categories for persons not receiving FIP or SSI. BEM 105. However, the eligibility factors for these categories are based on (related to) the eligibility factors in either the FIP or SSI program. BEM 105. Therefore, these categories are referred to as either FIP-related or SSI-related. BEM 105.

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. Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. BEM 105.

Claimant may be eligible for MA under one or more categories. Claimants have the right to the most beneficial category; the category that results in eligibility or the least amount of excess income. BEM 105. In relation to MA eligibility based on the claimant receiving SSI, policy states that, in some instances, actual receipt of an SSI cash grant does not preclude MA eligibility. If a claimant does not receive an SSI cash grant due to too much income, that individual may still be eligible for MA benefits. BEM 150.

In the case at hand, the claimant's MA case was closed because he ceased to receive his SSI cash grant. At the hearing, the claimant testified that he thought that he stopped receiving the SSI grant due to being over the income limit. It was not clear as to the specific reason that the claimant's SSI grant was terminated. The department was not able to articulate if the claimant's SSI grant was terminated due to financial eligibility

factors or a finding of disability. Accordingly, the claimant may still be eligible for MA benefits even though his SSI grant was terminated. The department should have examined any other potential means for eligibility for MA benefits as directed by policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly close the claimant's MA case.

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

It is HEREBY ORDERED that the department shall initiate a re-determination of eligibility for MA benefits back to the date of negative action (January 1, 2012). The department shall examine the reason the claimant's SSI benefits were terminated and accordingly, if there is any other MA eligibility that exists for the claimant. If the claimant is found to be eligible, the department shall reinstate benefits 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: May 14, 2012

Date Mailed: May 15, 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 60 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.

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