

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No: 201250009
Issue No: 2006
Case No: [REDACTED]
Hearing Date: September 20, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on September 20, 2012. Claimant was represented by [REDACTED].

ISSUE

Did the Department of Human Services properly deny Claimant's November 23, 2011 Medical Assistance (MA) application on February 9, 2012 for failure to apply for Supplemental Security Income (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. On November 23, 2012, [REDACTED] [REDACTED] submitted a Medical Assistance (MA) application on behalf of Claimant.
2. On November 28, 2011, the application was registered.
3. On December 14, 2011, Claimant was sent a Medical Determination Verification Checklist (DHS-3503-MRT) which clearly states "You must provide current proof that you have applied for Social Security (SSI). Verification was to come from the Social Security Administration." The required verifications were due on December 27, 2011.
4. On January 6, 2012, the verifications were due after the first extension granted to [REDACTED].
5. On January 16, 2012, the verifications were due after the second extension granted to [REDACTED].

6. On January 26, 2012, the verifications were due after the third extension granted to [REDACTED].
7. On February 9, 2012, Claimant had not had not applied for Social Security disability benefits. Claimant was sent a Notice of Case Action (DHS-1605) which stated his application was denied because he had not applied for Supplemental Security Income (SSI) benefits.
8. On April 23, 2012, [REDACTED] submitted a request for 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the request for hearing, L&S Associates asserts that denial of the application was not correct because they (L&S) were ever provided with a Verification Checklist. Department policy at the time of the denial provided the following guidance for case workers.

BEM 270 PURSUIT OF BENEFITS DEPARTMENT POLICY FIP, SDA, AMP and MA Only Except BEM 125

Clients must apply for benefits for which they may be eligible. This includes taking action to make the entire benefit amount available to the group. Any action by the client or other group members to restrict the amount of the benefit made available to the group causes ineligibility.

MA Only

Refusal to pursue a potential benefit results in person ineligibility.

Note: Medicare Part B is not mandatory to pursue as a potential resource.

TYPES OF POTENTIAL BENEFITS

The following can be a potential benefit.

**Supplemental Security Income (SSI)
FIP, RAP, SDA, CDC and AMP Only**

SSI benefits are paid to persons who are aged (65 or older), blind or disabled. The following clients must be referred to SSA to apply for SSI:

- Persons age 65 or older.
- Person receiving or eligible for SDA and disability-related MA.
- Adults in a FIP group who are blind or who claim illness or injury prevents them from working for at least 12 months. However, do not deny eligibility to an FIP applicant or recipient unless MRT has determined that person is potentially eligible for SSI.
- Children who are blind or disabled.

The policy cited above had an effective date of May 1, 2010. Pages 10 & 11 of the evidence submitted by the Department shows a Medical Determination Verification Checklist (DHS-3503-MRT) dated December 14, 2011 which clearly states "You must provide current proof that you have applied for Social Security (SSI). Verification to be from the Social Security Administration."

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's November 23, 2011 Medical Assistance (MA) application on February 9, 2012 for failure to apply for Supplemental Security Income (SSI) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 18, 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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

KS/tb

cc:

