

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

IN THE MATTER OF:

██████████
██
██████████

Reg. No.: 2013-14975 & 2013-15631
Issue No.: 2006
Case No.: ██████████
Hearing Date: April 29, 2013
County: Wayne County DHS(17)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included █████ █████, FIM and █████ █████, Assistance Payments Worker.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

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

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by .

3. On December 1, 2012, the Department

- denied Claimant's application.
- closed Claimant's case.
- reduced Claimant's benefits .

4. On November 14, 2012 , the Department sent notice of the

- denial of Claimant's application.
- closure of Claimant's case.
- reduction of Claimant's benefits.

5. On June 6 2011 the Claimant was sent a DHS 1552 to apply for Social Security Disability for SSI as the Claimant was receiving SDA benefits from the Department. The Department form's sought to confirm with SSA whether Claimant had applied for SSI, whether an administrative hearing had been requested or whether an Appeals Council Review had been requested. The Department did not receive a response from SSA and the Claimant did not provide the completed form.

6. On October 26, 2011 the Claimant received a letter from SSA advising Claimant that the SSA Appeals Council determined not to review the SSA Administrative Law Judge's decision in Claimant's case which denied Claimant SSI and advised Claimant that if she disagreed with the Appeals Council decision, she was required to file a civil lawsuit within 60 days of receipt of the SSA letter or the Administrative Law Judge's decision would be final. Exhibit 1.

7. The Claimant did not file a civil lawsuit in response to the Appeals Counsel letter and the decision denying Claimant SSI became final.

8. The Claimant did not file a civil action and thus the Decision of the SSA Administrative Law Judge became final.

9. The Department conducted an ex parte review on November 14, 2012 and determined that Claimant was not eligible for any other medical assistance program. The Claimant had since reapplied for Medical Assistance.

10. On December 3, Claimant filed a hearing request, protesting the

- denial of Claimant's application.
- closure of Claimant's case.
- reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, the testimony of the Claimant at the hearing clearly established that she did not appeal the final decision of the SSA Appeals Council by filing a lawsuit and thus the Decision of the SSA Judge became final 60 days after October 26, 2011 or on or about December 28, 2012. Even though the Claimant may have been confused as to what action she should take this did not excuse the Claimant. The inaction of the Claimant after receiving the SSA Appeals Council decision caused her SDA case to be closed as she was no longer eligible.

Department policy is clear that in order to receive SDA cash assistance a Claimant must take action necessary to preserve their SSI claim or be determined ineligible. As stated at the hearing the Claimant may reapply for SDA and must also reapply for SSI or be deemed otherwise ineligible for Medicaid based upon disability after MRT review. Department policy that applies in this situation provides:

SDA clients receiving or those who have been found eligible for disability-related MA must comply with the requirements listed in this item. These clients must also cooperate with all SSA requirements and procedures when applying for SSI benefits. Failure to comply as required results in group ineligibility for SDA.

Once SSA's decision is final, the local office must take the following actions:

1. For clients receiving MA, SSA's determination that disability or blindness does not exist for SSI is final and the MA case must be closed if:

- The determination was made after 1/1/90, and
- No further appeals may be made at SSA; see Exhibit II in BEM 260, or
- The client failed to file an appeal at any step within SSA's 60-day limit, and
- The client is not claiming:
 - A totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s), change, or deterioration in his/her condition that SSA has reviewed and made a determination on yet.

Note: If the client alleges either condition listed above, obtain a new medical report and resubmit to the MRT for a new determination. BEM 271, pp8 – 9 (6-1-12)

Lastly the Claimant has made two hearing requests regarding the issue of her SDA case closure. Both hearing requests are decided by this Decision as the same issue is involved.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

closed Claimant's case.

denied Claimant's application.

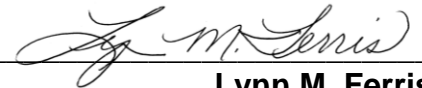
reduced Claimant's benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.



Lynn M. Ferris

Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 21, 2013

Date Mailed: May 21, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 **MAY** 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,

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- typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant;
- 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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