

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-23419
Issue No.: 2018
Case No.: ██████████
Hearing Date: May 9, 2013
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 May 9, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and ██████████, roommate and caregiver. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████, Eligibility Specialist-Medical Contact Worker.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for benefits received benefits for:

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

2. On January 1, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination by the U.S. Social Security Administration that she was not disabled.
3. On December 5, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On December 26, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Additionally, the following findings of fact and conclusions of law are entered in this case. On July 1, 2012, Claimant was awarded Supplemental Security Income (SSI) benefits by the U.S. Social Security Administration, on a temporary basis pending a determination of disability. Dept. Exh. 1, p. 6.

On December 1, 2012, Social Security found Claimant to be not disabled and terminated her SSI benefits. *Id.*, p. 8. At the Administrative Hearing, Claimant testified she appealed the SSA decision.

At the hearing the undersigned factfinder announced a decision in favor of the Department. However, upon further legal research and consideration of all of the evidence of record, the decision announced at the hearing is deemed incorrect and the following decision is announced and substituted in its place.

Bridges Eligibility Manual (BEM) 150, "MA for SSI Recipients," requires the Department to continue MA benefits during an SSI appeal when three facts are present. First, the client must have been terminated from SSI because Social Security no longer considers her or him disabled or blind; second, the client must have filed a timely appeal of the SSA decision; and third, the client must be a Michigan resident. Department of Human Services Bridges Eligibility Manual (BEM) 150 (2013), p. 6.

The next step is to determine whether Claimant has all three factors present in her situation. It is found and determined that Claimant has met the three requirements in

BEM 150. First, an SSA decision that disability existed was reversed and SSA announced that Claimant was no longer disabled. Second, Claimant filed a timely appeal. And third, Claimant is a Michigan resident. Therefore, it is found and determined that the BEM 150 requirements are met and Claimant is entitled to MA benefits during the pendency of her SSA appeal. The Department is reversed.

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 denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons herein and those stated on the record.

THE DEPARTMENT IS ORDERED TO:

1. Reinstate Claimant's MA disability benefits effective January 1, 2013.
2. Provide retroactive and ongoing benefits to Claimant at the benefit level to which she is entitled.
3. All steps shall be taken in accordance with Department policy and procedure.



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

Date Signed: May 23, 2013

Date Mailed: May 28, 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,
 - 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

JL/tm

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