

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201329262
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne DHS (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 5, 2013 from Detroit, Michigan. Participants included the above-named claimant, [REDACTED], Claimant's spouse, testified on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Medical Assistance (MA) benefit eligibility.

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 was an ongoing Supplemental Security Income (SSI) recipient.
2. Claimant was an ongoing Medicaid recipient with eligibility based on SSI recipient status.
3. On an unspecified date, Claimant's SSI eligibility ceased, due to spousal income.
4. DHS continued Claimant's Medicaid eligibility while performing an ex parte review.
5. On 2/5/13, DHS issued a Notice of Case Action to Claimant which appeared to deny Claimant's MA benefit eligibility for 1/2013.

6. DHS issued MA benefits to Claimant for 1/2013, but under a different case number.
7. On 2/11/13, Claimant requested a hearing to dispute a termination of MA benefits.
8. Following Claimant's hearing request, DHS approved Claimant for MA benefits-Medicaid subject to a deductible.

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). DHS 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 Reference Tables Manual (RFT).

Claimant requested a hearing to dispute an apparent end of MA eligibility. Based on the Notice of Case Action sent by DHS, Claimant understandably thought that his Medicaid was ending. A Notice of Case Action dated 2/5/13 indicated that Medicaid for Claimant for 1/1/13-1/31/13 was denied because Claimant was not disabled. DHS presented clarifying and credible testimony that Claimant actually was approved for Medicaid for 1/2013 and that the Notice of Case Action was a denial of MA for a superfluous case number. Presumably, the confusion was created while DHS conducted an ex parte review of Claimant's ongoing MA eligibility.

When SSI benefits stop, central office evaluates the reason based on SSA's negative action code, then does one of the following:

- SSI Closure. MA-SSI is closed in Bridges if SSI stopped for a reason that prevents continued MA eligibility (for example, death, moved out of state). Bridges sends the recipient an DHS-1605.
- SSI cases not closed due to the policy above are transferred to the SSI Termination (SSIT) Type of Assistance. A redetermination date is set for the second month after transfer to allow for an ex parte review.

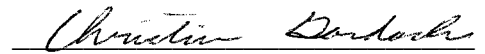
BEM 150 (6/2011), p. 5.

As it happened, DHS subsequently reduced Claimant's MA eligibility after mailing the Notice of Case Action dated 2/5/13. DHS presented testimony that Claimant was eligible for Medicaid subject to a monthly deductible due to his spouse's income, but not ongoing Medicaid. Consideration was given to determining whether DHS properly made this determination. However, this determination could not have been the basis for a hearing request because it had not yet occurred when Claimant requested a hearing. Claimant's hearing request was specifically tied to a denial of Medicaid for 1/2013. Because this issue was resolved favorably for Claimant, technically, there are no issues in dispute related to Claimant's written hearing request.

It should be noted that Claimant may still request a hearing to dispute the level of MA eligibility, which DHS subsequently determined. However, Claimant's hearing request dated 2/11/13 has no unresolved disputes and pursuant to MAC R 400.906(1), is appropriately dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's hearing request has no unresolved disputes concerning MA eligibility related to a Notice of Case Action dated 2/5/13. Claimant's hearing request is DISMISSED.



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

Date Signed: 6/25/2013

Date Mailed: 6/25/2013

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 effect the substantial rights of the claimant:
 - the 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

CG/hw

cc:

