

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201412674
Issue No.: 2001, 5001
Case No.: [REDACTED]
Hearing Date: December 17, 2013
County: Cass County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 17, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly closed the Claimant's Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits for failing to apply for benefits from the Social Security Administration (SSA)?

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 an ongoing Medical Assistance (M.A.) and State Disability Assistance (SDA) recipient based on a determination of disability.
2. The Claimant is potentially eligible to receive Supplemental Security Income (SSI) benefits.
3. On May 21, 2013, the Claimant signed a Reimbursement Authorization (DHS-3975) permitting the Department to make deductions from any Social Security benefits.
4. On May 21, 2013, the Department requested that the Claimant provide verification of an application for Social Security benefits, or that he had appealed a denial of benefits.

5. On August 16, 2013, the Department made another request for verification that the Claimant had applied for Social Security benefits.
6. On October 23, 2013, the Department notified the Claimant that it would close his Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits.
7. The Department received the Claimant's request for a hearing on November 1, 2013, protesting the closure of his Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Clients who receive state-funded Family Independence Program (FIP) or State Disability Assistance (SDA) who meet potential eligibility for Supplemental Security Income (SSI) or have a medical review team (MRT) decision that indicates they meet the criteria for MA based on blindness or disability are required to pursue Supplemental Security Income (SSI). State Disability Assistance (SDA) clients receiving or those who have been found eligible for disability-related Medical Assistance (M.A.) 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 State Disability Assistance (SDA). Department of Human Services Bridges Eligibility Manual (BEM) 271 (July 1, 2013), p 1.

The Claimant was an ongoing Medical Assistance (M.A.) and State Disability Assistance (SDA) recipient based on a determination of disability. Therefore, the Claimant is potentially eligible for Supplemental Security Income (SSI) benefits.

On May 21, 2013, and August 16, 2013, the Department requested that the Claimant provide verification that he had applied for social security benefits, or that he had a pending appeal of a denial of an application for social security benefits.

On October 23, 2013, the Department notified the Claimant that it would close his Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits for failing to pursue Social Security benefits.

The Claimant testified that he assumed that his application for Medical Assistance (M.A.) from the Department was also an application for Social Security benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it was acting in accordance with policy when it closed the Claimant's Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits for failing to pursue Social Security benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Claimant's Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits.

Accordingly, the Department's decision is AFFIRMED.

/s/ _____
Kevin

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

Date Signed: December 20, 2013

Date Mailed: December 23, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

KS/hj

cc:

