

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

IN THE MATTER OF:



Reg. No.: 201342661
Issue No.: 2027
Case No.:
Hearing Date: July 18, 2013
County: Wayne County (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request April 19, 2013 for a hearing. After due notice, a telephone hearing was conducted on Thursday, July 18, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was (Eligibility Specialist).

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 received benefits for State Disability Assistance (SDA) and full coverage Medical Assistance (MA).
2. On April 9, 2013, the Department closed Claimant's MA case and transferred him to the Adult Medical Program (AMP) due to Social Security Administration issuing a final determination finding Claimant not disabled.

3. On April 9, 2013, the Department sent Claimant notice of the MA closure and transfer to AMP.
4. On April 19, 2013, Claimant filed a hearing request, protesting the closure of the MA case.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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.

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 (October 2010), p. 1. The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. BEM 105, p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. The disability standard for both disability-related MA and SSI is the same. Clients who receive state-funded SDA who meet potential eligibility for 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 SSI benefits with Social Security Administration (SSA). BEM 271 (June 2012), p. 8.

For clients receiving MA, SSA determination that disability or blindness does not exist for SSI is final and the MA case must be closed if: 1) No further appeals may be made at SSA; 2) Claimant failed to file an appeal with SSA at any step; 3) Claimant is not claiming a totally different disabling condition or change, deterioration or additional impairment that SSA has reviewed and made a determination on yet. For SDA, SSA's final determination is not binding and the program can remain open until the next scheduled review. BEM 271, p. 9.

In this case, an ALJ decision issued August 13, 2012, reversed the Department and found Claimant disabled for purposes of the SDA and MA programs with a review date of August 2013. Subsequent to the ALJ decision the Social Security Administration issued a determination by the Appeal Council finding Claimant not disabled under the

SSI criteria. The SSA appeal's council decision is considered final and binding on Claimant's eligibility for the MA program. Department Policy provides that a client is no longer eligible for MA based on disability or blindness once SSA issues a final determination denying SSI benefits. BEM 260 (October 2011), p. 3. Therefore, the Department established it acted in accordance with policy when it closed Claimant's MA case.

Accordingly, the Department's action is UPHeld.

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 when it closed Claimant's MA case.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is hereby, **AFFIRMED**.

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/9/2013

Date Mailed: 8/9/2013

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

MH/hw

cc:

