

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-68467
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: December 4, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on December 4, 2013, from Detroit, Michigan. Participants included [REDACTED], Claimant's mother and guardian. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor, and Brianne Eccles, Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's son's Medical Assistance (MA) eligibility after Social Security Administration made a final ruling that Claimant's son was not disabled.

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's son was an ongoing Medicaid recipient.
2. The only basis for Claimant's son's Medicaid eligibility was a claim of disability.
3. On an unspecified date, SSA determined that Claimant's son was not disabled.
4. On [REDACTED]/13, DHS initiated termination of Claimant's son's MA benefit eligibility, effective 9/2013.

5. On 9/14/13, Claimant requested a hearing to dispute the termination of her son's MA eligibility.

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute her son's termination of Medicaid. It was not disputed that DHS terminated Claimant's son's Medicaid eligibility due to a denial of SSA benefits. It was not disputed that Claimant's son had a pending SSA application while receiving Medicaid based on a disability.

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.

BEM 271 (7/2013), p. 10.

Claimant conceded that her son lost an administrative hearing with SSA. Claimant contended that the SSA hearing decision was based on a finding of marijuana use by her son rather than a finding that he was not disabled. The hearing decision from SSA was not produced for the hearing. Despite Claimant's testimony, the SSA decision almost certainly determined that Claimant's son was not disabled.

Claimant conceded that she appealed the hearing decision and was denied at the appeals council level. This is known to be the final appeal allowed within the SSA. Based on the presented evidence, it is found that SSA made a final decision of disability concerning her son's disability. No evidence was presented to suggest that Claimant's son was otherwise eligible for MA benefits. It is found that DHS properly terminated Claimant's son's MA eligibility based on the final SSA decision determining that Claimant's son was not disabled.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's son's MA benefit eligibility. The actions taken by DHS are **AFFIRMED**.



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

Date Signed: 12/23/2013

Date Mailed: 12/23/2013

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

CG/hw

cc:

