

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-8051
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: January 16, 2014
County: Wayne (18)

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 January 16, 2014, from Taylor, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother, testified and appeared as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Medical Assistance (MA) eligibility due to the denial of a Social Security Administration (SSA) benefits.

FINDINGS OF FACT

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

1. On an unspecified date, Claimant applied for SSA benefits.
2. On an unspecified date, Claimant applied for MA based on a claim of disability.
3. On 8/12, SSA issued an unfavorable administrative decision finding that Claimant was not disabled.
4. Claimant timely appealed the unfavorable SSA administrative decision.

5. At an administrative hearing dated 5/█/13, a State of Michigan administrative law judge determined that Claimant was disabled.
6. On an unspecified date, DHS issued Medicaid benefits to Claimant.
7. On an unspecified date, the Appeals Council denied Claimant's SSA benefit appeal.
8. On 10/█/13, DHS terminated Claimant's Medicaid eligibility, effective 11/2013, based on a final SSA decision that Claimant was not disabled.
9. On 10/█/13, Claimant requested a hearing to dispute the termination of Medicaid.

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 a termination of Medicaid. It was not disputed that DHS terminated Claimant's Medicaid based on a final determination from SSA that Claimant is not disabled.

Eligibility for MA based on disability or blindness does not exist once SSA's determination is final. BEM 260 (7/2013), p. 3. SSA's determination that disability or blindness does not exist for SSI is final for MA if:

- The determination was made after 1/1/90, and
- No further appeals may be made at SSA; see EXHIBIT II in this item, 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) or change or deterioration in his condition that SSA has not made a determination on.

BEM 260 (7/2013), p. 3.

It is known that Claimant's approval for Medicaid occurred over one year following Claimant's most recent administrative hearing with SSA. Generally, an administrative hearing is the last time within the SSA appeals process that a claim of disability is considered in its entirety. An appeals council review is considered to be a review primarily concerned with hearing procedures and abuses of discretion. Over one year

elapsed between hearing dates with SSA and DHS. The relatively lengthy time resulting in different outcome makes it more likely that Claimant underwent a worsening and/or change in conditions.

Claimant and her mother testified that Claimant has breast lumps, which may be cancerous. The testimony suggested that the lumps were a new and worrisome condition which has not been fully evaluated.


Based on the presented evidence, it is found that Claimant has a different and deteriorating condition than what was considered by SSA. Accordingly, the DHS reliance on the SSA decision resulting in a termination of MA eligibility is found to be improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's MA benefit eligibility. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's MA benefit eligibility; and
- (2) initiate processing of Claimant's continued MA eligibility subject to the finding that the denial by SSA is not controlling because Claimant is alleging a different and deteriorating condition than previously considered by SSA.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 2/7/2014

Date Mailed: 2/7/2014

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:

