

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-23114
Issue No.: 2007
Case No.: [REDACTED]
Hearing Date: March 5, 2014
County: Allegan

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 March 5, 2014 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant) and [REDACTED] [REDACTED] Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Assistance Payments Supervisor).

ISSUES

Did the Department properly determine Claimant's group composition for purposes of Medical Assistance (MA)?

Did the Department properly determine Claimant's MA 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 had a group size of 3 (Claimant plus her 2 children) and was receiving the MA Other Healthy Kids (OHK) program category.
2. Effective October 1, 2012, [REDACTED] (Case # [REDACTED]) was active for Supplemental Security Income (SSI) Recipients MA.
3. On March 21, 2013, the Department mailed [REDACTED] a Notice of Case Action (DHS-1605) which terminated his SSI-MA case effective May 1, 2013, because his is "not under 21, pregnant, or a caretaker of a minor child in your home. You are not over 65 (aged), blind or disabled."

4. On December 23, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which, effective February 1, 2013, denied MA Group 2 Caretaker Relatives (MA-G2C) eligibility to [REDACTED] for the reason that "individual is eligible for this program in another case."
5. On January 17, 2014, the Department received a request for hearing signed by [REDACTED] on behalf of Claimant.¹

CONCLUSIONS OF LAW

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

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.

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. In Michigan, DHS supplements federal SSI payments based on the client's living arrangement. Thus, in [BEM 150], **SSI recipient** means a Michigan resident who receives the basic federal payment, the state supplement, or both. DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. BEM 150, p 1 (1-1-2014).

The Department's central office receives SSI client information daily from SSA through the State Data Exchange (SDX), which lists SSI: applications, denials, appeals, openings/reopenings, closures, including address and other changes. BEM 150, p 2 (1-1-2014).

An automated process tries to match new SSI recipients on the SDX file with persons active in other programs on Bridges. What happens next depends on what type of match is found. If there is an exact match found and the individual is receiving MA in Bridges, EDBC is run in mass update to close MA under the current case and open ongoing SSI under a new case number. If there is a possible match found, then the case is reported to the SSI Coordination Unit for manual processing. The SSI Coordination Unit completes the manual SSI opening and transfers the SSI case to the appropriate local office. If there is no match found, then Bridges opens a new SSI case and assigns it to a specialist in the appropriate local office based on the individual's residence. BEM 150, p 2.

¹ Mr. Woods was not identified as an Authorized Hearing Representative (AHR) on Claimant's request for hearing.

SSI recipients who are Michigan residents receive MA-SSI in Bridges for the duration of SSI eligibility. [The Department worker] does **not** have to conduct redeterminations. However, if SSI stops, [the Department worker] may have to determine continued MA eligibility. See BEM 150 at p 6.

When SSI benefits stop, central office evaluates the reason based on SSA's negative action code, then does one of the following: (1) **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 a DHS-1605. (2) **Transfer to SSIT**. 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. See BEM 150 at p 6.

For SSI-Related MA, the Department uses fiscal groups and, for SSI-related MA, asset groups to determine the financial eligibility of a person who requests MA and meets all the nonfinancial eligibility factors for an MA category. Individual family members may be eligible under different MA categories. [The Department worker] must explore all categories for each person who requests MA. BEM 211, p 1 (1-1-2014).

For SSI-Related MA, the Department determines the fiscal and asset groups separately for each person requesting MA. When referring to the group listings, policy provides that only persons "living with"² one another can be in the same group. Certain persons cannot be fiscal or asset group members in SSI-related MA. BEM 211, p 2 (1-1-2014).

Here, the Department asserts that the SSA closed ██████████ SSI case and opened an Retirement, Survivors, Disability, Insurance (RSDI) case for him. When this occurred, the Department contends that the DHS received a task and reminder notification through Bridges and ██████████ was sent a DHS-1605 notice that his MA was terminated effective April 1, 2013. The Department further submits that at some point, the SSA erroneously added ██████████ to Claimant's case as an RSDI recipient who was also a caretaker for Claimant's minor children. The Department maintains that an update on Bridges caught the error on December 23, 2013 and the DHS-1605 was sent to Claimant denying ██████████ case because he was active on another MA case.

Claimant, on the other hand, contends that in July, 2013 ██████████ suffered a heart attack where he was hospitalized and in a coma. Claimant states that she, with the assistance of a hospital social worker, completed an Assistance Application on behalf of ██████████ requesting MA benefits. Claimant states that the social worker agreed to forward the application to the DHS. The Department workers contend that the Department did not receive an MA application for ██████████. Claimant then indicates that ██████████ was discharged from the hospital and moved into her home on November 5, 2013.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight

² Living with others means sharing a home where family members usually sleep, **except** for temporary absences. A temporarily absent person is considered in the home. BEM 150, p 2.

and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The sequence of events in this matter is complicated. The most prominent error is the SSA's decision to add ██████████ to Claimant's household and then Bridges added ██████████ to Claimant's MA household. However, the evidence shows that Bridges later corrected the error. The Department did not provide enough documentation in the records in this case to ensure that Claimant's MA eligibility was correctly determined.

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 did not act in accordance with Department policy when it determined Claimant's MA group composition and MA eligibility. However, the Department did not err when it determined ██████████ MA eligibility. ██████████ must reapply for MA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to Mr. Wood's MA eligibility, but **REVERSED IN PART** with respect to Claimant's MA group composition and MA eligibility.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's MA group composition back to December 1, 2013.
2. Redetermine Claimant's MA eligibility back to December 1, 2013.

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 12, 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

CAP/las

cc:

