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

IN THE MATTER OF:

[redacted]

Reg. No: 201427110
Issue No: 2001, 2009
Case No: [redacted]
Hearing Date: March 19, 2014
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 19, 2014 from Lansing, Michigan. Claimant appeared and provided testimony. The Department of Human Services (department) was represented by [redacted] an eligibility specialist with the department's Ionia County office.

ISSUE

Whether the department properly closed Claimant's Medical Assistance (MA) benefits effective March 1, 2014 due to Claimant's receipt of a final unfavorable eligibility determination from Social Security Administration?

FINDINGS OF FACT

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

1. Claimant was a recipient of MA disability benefits at all times relevant to this hearing.

2. On December 3, 2013, Claimant received a final unfavorable SSI determination from the Social Security Administration. (Department Exhibit 2)

3. On January 27, 2014, the department notified Claimant that effective March 1, 2014, her MA disability benefits would be closed for the following reason in relevant part:

   SSA recently made a Final SSI Eligibility Determination and denied your appeal. Per policy in BEM 271, in this instance you are considered not disabled for purposes of Medicaid, so your Medicaid is being denied.

4. On February 11, 2014, Claimant submitted a hearing request protesting the department's closure of her MA benefits.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The Medical Assistance (MA) program was established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Eligibility for MA based upon disability or blindness does not exist once SSA's determination is final. BEM Item 260. 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: (i) the determination was made after 1/1/90, **and** (ii) no further appeals may be made at SSA; **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 (Emphasis in original).

In this case, at the March 19, 2014 hearing, the department's representative testified that on December 3, 2013, Claimant received a final unfavorable SSI determination from the Social Security Administration. Claimant also acknowledged having received such a determination. No evidence was submitted to indicate that Claimant is suffering from a totally different disabling condition than the condition or conditions upon which the SSA's final determination was made.

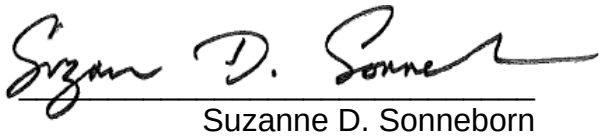
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally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

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record, as well as relevant department policy and finds that, based on the competent, material and substantial evidence presented during the March 19, 2014 hearing, the December 3, 2013 SSA determination that disability does not exist for SSI is final for purposes of MA. Thus, the department acted in accordance with department policy in closing Claimant's MA disability benefits effective March 1, 2014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with department policy in closing Claimant's MA disability benefits effective March 1, 2014. Therefore, the department's action in this regard is **UPHELD.**

It is **SO ORDERED.**



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

Date Signed: March 20, 2014

Date Mailed: March 21, 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

SDS/hj

CC: [redacted]