

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-7180
Issue No.: 2001
Case No.: ██████████
Hearing Date: May 1, 2014
County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 1, 2014, from Warren, Michigan. Participants on behalf of Claimant included Claimant ██████████
██████████ ██████████ Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly end Claimant's Medical Assistance (MA) 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 June 27, 2012, a decision and order was issued at the State level awarding Claimant medical disability as of May 2011.
2. On August 7, 2013, Claimant's medical packet was sent to the Medical Review Team (MRT) to complete a medical review.
3. On September 5, 2013, the MRT denied Claimant continuing MA benefits based upon an August 29, 2013, Social Security Appeals Council denial.
4. On October 10, 2013, the Department issued a notice of case action indicating Claimant's MA benefits would be terminated.

5. On October 17, 2013, Claimant filed a hearing request.

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.


In the instant case, Claimant was approved for MA based upon disability back on July 27, 2012. Claimant was due an MA review. The Department gathered the new medical documentation and submitted the packet to the MRT. The MRT discovered Claimant had been denied at the appeals council level on August 29, 2013. The MRT, based upon this finding, determined that Claimant was no longer eligible for ongoing MA benefits. The Department issued a case action notice ending Claimant's MA benefits as of November 2, 2013.

Department policy, specifically BEM 260 (July 2013), p. 3, indicates that eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**.

After reviewing the evidence presented, this Administrative Law Judge finds the Department properly ended MA benefits after an SSA final determination was entered on August 29, 2013. Claimant is not considered aged nor is she a caretaker relative of a minor child. Therefore, Claimant's ongoing MA benefits were properly terminated.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 8, 2014

Date Mailed: May 8, 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

JWO/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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