

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201427282
Issue No: 2004
Case No: [REDACTED]
Hearing Date: April 2, 2014
Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (Department) on January 17, 2014. After due notice, a telephone hearing was held on April 2, 2014 from Lansing, Michigan. Claimant's authorized representative, [REDACTED] [REDACTED] with [REDACTED], appeared by three-way conference call and provided testimony on Claimant's behalf. The Department was represented by [REDACTED] [REDACTED] a hearings facilitator with the Department's Genesee County office.

ISSUE

Whether the Department properly determined Claimant's eligibility for Medicaid (MA) and retroactive MA back to February 1, 2011 where Claimant was approved for Supplemental Security Income (SSI) benefits on August 20, 2012 and found to be disabled as of May 4, 2011?

FINDINGS OF FACT

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

1. On April 14, 2011, Claimant applied for MA and retroactive MA benefits. (Department Exhibit 1, pp. 5-28)
2. On January 17, 2014, Claimant's authorized representative submitted a hearing request on Claimant's behalf, indicating therein that Claimant had been approved for SSI benefits with eligibility dating to May 2011. She further asserted that the Department had failed to approve Claimant for MA as an SSI recipient as required by BEM 150.
3. On January 22, 2014, the Department discovered that, on August 20, 2012, Claimant had indeed been approved for SSI benefits with a disability onset date of May 4, 2011. (Department Exhibit 2, pp. 29-31)

4. On January 22, 2014, the Department submitted Claimant's medical verifications to the Medical Review Team for a determination of eligibility for retroactive MA and State Disability Assistance (SDA) for March 2011. (Department Exhibit 3, pp. 32-84)
5. On April 1, 2014, the Department determined that Claimant was entitled to MA-SSI benefits effective May 1, 2011, with retroactive MA effective March 1, 2011 – but that, due to agency error, the Department had failed to approve such benefits.
6. On April 1, 2014, the Department submitted a Help Desk remedy ticket request to correct the MA eligibility error and approve Claimant for MA-SSI benefits effective May 1, 2011 and retroactive MA effective March 1, 2011.

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).

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 this item SSI recipient means a Michigan resident who receives the basic federal payment, the state supplement, or both. BEM 150.

To be automatically eligible for Medicaid (MA) an SSI recipient must both be a Michigan resident and cooperate with third-party resource liability requirements. DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. BEM 150.

SSI recipients who are Michigan residents receive MA-SSI from the department for the duration of SSI eligibility. Redeterminations are not conducted, however, if SSI stops, the department may determine continued MA eligibility. BEM 150.

In this case, there is no dispute that Claimant was approved for SSI benefits on August 20, 2012, with a disability onset date of May 4, 2011, and should have thereafter been approved for MA benefits for SSI recipients, as provided in BEM 150. At the April 2, 2014 hearing, the Department's representative, Lorraine Smith, acknowledged that, due to Department error, the Department failed to properly process Claimant's eligibility for MA benefits as an SSI recipient. Consequently, the Department submitted a Help Desk remedy ticket request on April 1, 2014 to correct this Department error and approve Claimant for MA-SSI benefits effective May 1, 2011 and retroactive MA effective March 1, 2011. To date, the Help Desk remedy ticket remains unresolved.

In response to Ms. Smith's testimony, Claimant's authorized representative, Brenda Look, testified that she would be satisfied with the resolution achieved by the expedited processing of the Help Desk remedy ticket.

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).

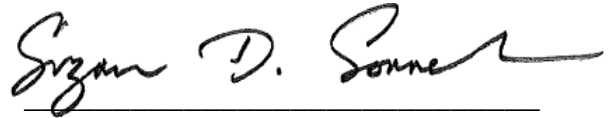
This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the April 2, 2014 hearing, the Department failed to properly process Claimant's eligibility for MA benefits as an SSI recipient and Claimant's eligibility for retroactive MA effective March 1, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department failed to properly process Claimant's properly process Claimant's eligibility for MA benefits as an SSI recipient and Claimant's eligibility for retroactive MA effective March 1, 2011. Accordingly, the department's actions in this regard are **REVERSED** and the department shall, within 10 days of the issuance of this Decision and Order, expedite its April 2, 2014 Help Desk remedy ticket on this issue and process Claimant's eligibility for MA benefits as an SSI recipient and Claimant's eligibility for retroactive MA effective March 1, 2011 in accordance with the applicable department policy and the department shall take the necessary steps to ensure the computer problem is resolved.

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It is **SO ORDERED**.

A handwritten signature in black ink, reading "Suzanne D. Sonneborn". The signature is written in a cursive style with a long, sweeping tail on the final letter.

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

Date Signed: April 4, 2014

Date Mailed: April 4, 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:

