

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-29182
Issue No(s): 2001
Case No.: [REDACTED]
Hearing Date: July 3, 2014
County: Wexford County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 July 3, 2014, from Cadillac, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant, and [REDACTED] Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Coordinator and Family Independence Manager, and [REDACTED], Eligibility Specialist. [REDACTED] Eligibility Specialist, was present as an observer.

ISSUE

Did the Department properly close Claimant's SSI related Medicaid case when she stopped receiving SSI?

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 was receiving Medicaid based on her receipt of SSI benefits from the Social Security Administration (SSA).
2. Claimant's SSI was terminated.
3. On February 6, 2014, a Notice of Case Action was issued to Claimant stating her Medicaid case would close effective March 1, 2014.

4. On February 13, 2014, Claimant filed a Request for Hearing contesting the Department's action¹.

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 Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Ongoing Medicaid eligibility begins the first day of the month of SSI entitlement. When SSI benefits stop for a reason that prevents continued Medicaid eligibility (ex., death or move out of state), the Department issues a Notice of Case Action. When SSI cases close for other reasons, the Department is to determine whether the individual qualifies for Medicaid while appealing a disability termination or under any other Medicaid category. Continued eligibility for Medicaid while appealing a disability termination applies to a person who was terminated from SSI because: (1) they are no longer considered disabled or blind, and (2) has filed an appeal of the termination with SSA within SSA's 60 day time limit, and (3) is a Michigan resident. BEM 150.

It was uncontested the Claimant's SSI benefits stopped. Claimant acknowledged the SSI benefits stopped because there was excess income from her husband's earnings. Claimant has filed for a divorce and also re-filed for SSI benefits. At the time of the July 3, 2014 in-person hearing proceedings, Claimant's SSI case had an appeal pending. Claimant had also filed an application for Medicaid based on disability with the Department, and no notice of case action had been issued yet regarding that application.

Claimant's automatic eligibility for SSI related Medicaid ended when the SSI benefits stopped. Claimant acknowledged that the SSI termination was not based on a determination from SSA that Claimant was no longer disabled. Accordingly, the policy allowing for a continuation of Medicaid while a SSA disability determination is appealed cannot apply. The evidence does not establish that Claimant qualified for Medicaid under any other Medicaid category, such as under age 21, parent or caretaker of

¹ On the February 13, 2014 Request for Hearing, Claimant also marked that she was contesting Department actions regarding Cash, Food Assistance, State Emergency Relief, and Medical Transportation. On the record during the July 3, 2014 hearing proceedings, Claimant and her Authorized Hearing Representative withdrew the portions of the appeal related to these programs, and the hearing proceeded regarding only the Medicaid eligibility issue. Accordingly, the Cash, Food Assistance, State Emergency Relief, and Medical Transportation portions of the appeal are DISMISSED.

child(ren), or pregnant or recently pregnant woman. See BEM 105. Accordingly, the determination to close Claimant's Medicaid case because her SSI benefits terminated must be upheld.

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 acted in accordance with Department policy when it closed Claimant's Medicaid case because her SSI benefits terminated.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 28, 2014

Date Mailed: July 28, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

201429182/CL

P.O. Box 30639
Lansing, Michigan 48909-07322

CL/hj

cc:

