

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-018870
Issue No.: 2001, 7002
Case No.: [REDACTED]
Hearing Date: February 19, 2015
County: Muskegon

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on February 19, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and her mother [REDACTED] acting as her authorized hearings representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close the Claimant's Medical Assistance (MA) and state Supplemental Security Income (SSP) 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. The Claimant was an ongoing Medical Assistance (MA) recipient under the MA-SSI category and a state Supplemental Security Income (SSP) recipient.
2. The Department discovered that the Claimant's federal Supplemental Security Income (SSI) benefits were closed as of July 1, 2014.
3. On November 18, 2014, the Department notified the Claimant that it would close her state Supplemental Security Income (SSP) benefits.
4. The Department closed the Claimant's Medical Assistance (MA) benefits under the MA-SSI category and placed her in the MA-Terminated SSI category effective October 1, 2014.
5. On November 24, 2014, the Department received the Claimant's request for a hearing protesting the closure of Medical Assistance (MA) and state Supplemental Security Income (SSP) benefits.

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.

Supplemental Security Income (SSI) is a cash benefit to needy persons who are aged (at least 65), blind or disabled. It is a federal program administered by the Social Security Administration (SSA). States are allowed the option to supplement the federal benefit with state funds. In Michigan SSI benefits include a basic federal benefit and an additional amount paid with state funds. Payments are made for only those months the recipient received a regular first of the month federal benefit. Department of Human Services Bridges Eligibility Manual (BEM) 660 (July 1, 2013), p 1.

The Claimant was an ongoing state Supplemental Security Income (SSP) recipient. The Department discovered that the Claimant did not receive her regular Supplemental Security Income (SSI) payment from the Social Security Administration (SSA) effective July 1, 2014. As a result, the Department notified the Claimant that it would close her quarterly state Supplemental Security Income (SSP) benefits.

When federal SSI benefits stop, the Department evaluates the reason based on SSA's negative action code and completes one of the following:


- Medical Assistance (MA) under the MA-SSI category is closed if federal SSI stopped for a reason that prevents continued MA eligibility (for example, death, moved out of state).
- Medical Assistance (MA) are transferred to the SSI Termination (SSIT) Type of Assistance for other closure reasons. Department of Human Services Bridges Eligibility Manual (BEM) 150 (January 1, 2014), p 6.

In this case, the Claimant was receiving Medical Assistance (MA) on the basis of her eligibility for federal Supplemental Security Income (SSI) benefits. When those benefits were closed by the Social Security Administration, the Department placed the Claimant in the Terminated SSI category as directed by BEM 150.

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 the Claimant's state Supplemental Security Income (SSP) and closed her Medical Assistance (MA) under the MA-SSI category.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **2/20/2015**

Date Mailed: **2/20/2015**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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
P.O. Box 30639
Lansing, Michigan 48909-07322

cc:

