

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-005290
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 21, 2015
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 May 20, 2015, from Detroit, Michigan. Participants included the above-named Claimant. [REDACTED] testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Michigan Department of Health and Human Services (MDHHS) included [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Claimant's Medical Assistance (MA) eligibility for the reason that Claimant is not a disabled individual.

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 an unspecified date in December 2013, Claimant applied for Social Security Administration (SSA) benefits based on a claim of disability.
2. On [REDACTED], Claimant applied for MA benefits, including retroactive MA benefits from 11/2013.
3. Claimant's only basis for MA benefits was as a disabled individual.
4. On an unspecified date, MDHHS approved Claimant for MA benefits, effective 4/2014, based on non-disability reasons.

5. On an unspecified date in October 2014, Claimant had an administrative hearing with SSA.
6. On an unspecified date, SSA issued an unfavorable administrative hearing decision finding that Claimant was not disabled.
7. Claimant failed to appeal the SSA administrative hearing decision.
8. On [REDACTED], DHS denied Claimant's application for MA benefits and mailed a Health Care Coverage Determination Notice (Exhibits 3-4) informing Claimant and Claimant's AHR of the denial.
9. On [REDACTED], the Medical Review Team (MRT) determined that Claimant was not a disabled individual (see Exhibits 16-18).
10. On [REDACTED], Claimant's AHR requested a hearing disputing the denial of MA benefits for the period of November 2013 – March 2014.
11. On [REDACTED], an administrative hearing was held.
12. During the hearing, Claimant and MDHHS waived the right to receive a timely hearing decision.
13. The hearing record was extended 14 days to allow Claimant and MDHHS to submit SSA documentation concerning the status of Claimant's application dated closest to December 2013; an Interim Order Extending the Record was subsequently mailed to both parties.
14. Neither Claimant nor DHS submitted additional documents.

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing;

specifically, a 3-way telephone hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (October 2010), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* It was not disputed that Claimant's only potential category for Medicaid eligibility would be as a disabled individual.

Disability for purposes of MA benefits is established if one of the following circumstances applies:

- by death (for the month of death);
- the applicant receives Supplemental Security Income (SSI) benefits;
- SSI benefits were recently terminated due to financial factors;
- the applicant receives Retirement Survivors and Disability Insurance (RSDI) on the basis of being disabled; or
- RSDI eligibility is established following denial of the MA benefit application (under certain circumstances).

BEM 260 (July 2012) pp. 1-2

There was no evidence that any of the above circumstances apply to Claimant. Accordingly, Claimant may not be considered for Medicaid eligibility without undergoing a medical review process which determines whether Claimant is a disabled individual. *Id.*, p. 2.

As it happened SSA already undertook a disability analysis. Claimant testified that he applied for SSA benefits in December 2013. Claimant testified that SSA denied his application and that he appealed the denial and requested an administrative hearing. Claimant testified that a SSA administrative law judge found Claimant to be not disabled following a hearing in October 2014. Claimant testified that he did not appeal the unfavorable administrative law decision.

Eligibility for MA based on disability or blindness does not exist once SSA's determination is final. *Id.*, p. 3. SSA's determination that disability or blindness does not exist for SSI is final for MA if:

- The determination was made after January 1, 1990, and
- 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

- o An additional impairment(s) or change or deterioration in his condition that SSA has not made a determination on.
Id., pp. 3-4.


It was not disputed that MDHHS approved Claimant for MA benefits beginning April 2014. Thus, Claimant only seeks a determination of disability for the months of November 2013 through March 2014. Based on Claimant's testimony, SSA already made a final and unfavorable determination of Claimant's alleged disability for the period of November 2013 through March 2014.

A claimant's testimony based on his or her memory is not the preferred evidence to substantiate SSA procedural dates and events. The administrative hearing record was extended 14 days to provide Claimant and his AHR additional time to provide evidence directly from SSA concerning dates or events associated with Claimant's application for disability. Claimant's AHR was unable to furnish any evidence to contradict any of Claimant's testimony.

Based on the presented evidence, it is found that SSA made a final and unfavorable determination of Claimant's disability for the period of November 2013 through March 2014. The final and unfavorable SSA determination of disability for November 2013 through March 2014 is found to be binding. Accordingly, it is found that Claimant is not disabled and that MDHHS properly denied Claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Claimant's MA benefit application dated [REDACTED], including retroactive MA benefits from November 2013, based on a determination that Claimant is not disabled. The actions taken by MDHHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Signed: **6/3/2015**

Date Mailed: **6/3/2015**

CG / hw

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 48909-8139

cc:

