

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

IN THE MATTER OF:

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Reg. No.: 15-006983
Issue No.: 2009
Case No.: ██████████
Hearing Date: June 8, 2015
County: Oakland (3)

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, an in-person hearing was held on June 8, 2015, from Southfield, Michigan. Pat Pokorzynski of Advomas testified and appeared as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Health and Human Services (DHHS) included ██████████, medical contact worker.

ISSUE

The issue is whether DHHS 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 October 7, 2013, Claimant applied for Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA).
2. On May 30, 2014, Claimant applied for MA benefits, including retroactive MA benefits from March 2014.
3. Claimant's only basis for MA benefits was as a disabled individual.
4. On October 24, 2014, the Medical Review Team (MRT) determined that Claimant was not a disabled individual.
5. On January 9, 2015, DHHS denied Claimant's application for MA benefits and mailed a Notice of Case Action informing Claimant of the denial.

6. On April 6, 2015, Claimant's AHR requested a hearing disputing the denial of MA benefits.
7. On an unspecified date, the SSA found Claimant to be eligible for SSI benefits, effective October 2013.

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).

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.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories though MDHHS does always offer the program to applicants. It was not disputed that Claimant's only potential category for Medicaid eligibility would be as a disabled individual.

During the hearing, Claimant's AHR testified that he was told that Claimant was approved for SSA benefits, though he had no proof of his testimony. In response to Claimant's AHR's testimony, MDHHS obtained a State Online Query (SOLQ) (Exhibits 1-3). The SOLQ reflects the status of a client's most recently submitted SSA application. Claimant's SOLQ stated that Claimant applied for SSI benefits on October 7, 2013. Claimant's SOLQ also stated that Claimant received a fully favorable decision based on a disability onset date of May 1, 2013. The SOLQ also stated that Claimant was eligible for SSI benefits, effective October 2013. It is found that Claimant is eligible for SSI benefits, effective October 2013.

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.

Based on the presented evidence, it is found that Claimant is automatically eligible for Medicaid based on her receipt of SSI benefits beginning October 2013. Accordingly, it is found that MDHHS improperly denied Claimant's MA eligibility from March 2014.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that DHHS improperly denied Claimant's application for MA benefits. It is ordered that DHHS:

- (1) reinstate Claimant's MA benefit application dated May 30, 2014, including retroactive MA benefits from March 2014;
- (2) evaluate Claimant's eligibility for benefits subject to the finding that Claimant was eligible for SSI benefits, effective October 2013; and
- (3) initiate a supplement for any benefits not issued as a result of the improper application denial.

The actions taken by DHHS are **REVERSED**.



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

Date Signed: **6/12/2015**

Date Mailed: **6/12/2015**

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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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]