



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: October 6, 2017  
MAHS Docket No.: 17-007222  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Following Petitioner'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 September 7, 2017, from [REDACTED] Michigan. The Petitioner resented herself. The Department was represented by [REDACTED] Assistance Payments Supervisor.

**ISSUE**

Did the Department of Health and Human Services (Department) properly close Petitioner's Supplemental Security Income (SSI) related Medical Assistance (MA) 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. Petitioner has been receiving Medical Assistance (MA) as a Supplemental Security Income (SSI) recipient since 2010.
2. Effective January 1, 2017, the Social Security Administration has classified Petitioner as a disabled recipient of SSI but her payment status was changed to "non-pay" because her countable income exceeds the Title XVI payment amount and State's payment standard.

3. On February 7, 2017, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) under the category of benefits she had been receiving.
4. On February 23, 2017, the Department notified Petitioner that her State Supplemental Security Income (SSI) benefits would close effective February 23, 2017.
5. As of April 1, 2017, Petitioner is receiving Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
6. On June 2, 2017, the Department notified Petitioner that she was not eligible for Medical Assistance (MA) under the category she had been receiving.
7. On May 15, 2017, the Department received Petitioner's request for a hearing.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. The Department administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. Department of Health and Human Services Bridges Eligibility Manual (BEM) 150 (April 1, 2107), pp 1-9.

Petitioner has been a MA recipient based on the receipt of SSI benefits since 2010. When the Department became aware that Petitioner SSI benefits were put into "non-pay" status due to her countable income, the Department close her MA under the SSI category. The Department then approved Petitioner for transitional MA benefits and

requested that she submit a new application. Petitioner submitted a new application for benefits but as of the hearing date, this application has not been approved or denied.

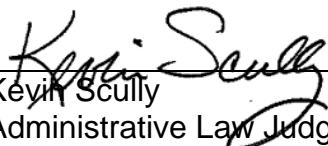
Regardless of the category of MA Petitioner has been receiving, the record evidence supports a finding that Petitioner is not eligible for SSI based MA because she is in "non-pay" status for SSI benefits. The Department appropriately placed Petitioner in transitional MA pending the results of her new MA application.

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 Petitioner's Supplemental Security Income (SSI) based Medical Assistance (MA).

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

**DHHS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]