



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 30, 2018
MAHS Docket No.: 17-013775
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 7, 2017, from Detroit, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's State Disability Assistance (SDA) 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 was an ongoing recipient of SDA benefits.
2. Petitioner was denied benefits in July 2016. A hearing decision on the issue reversed the Department, and SDA was approved with a review date of September 2017.
3. On August 22, 2017, Petitioner was interviewed by the Department which resulted in his case being referred to the Medical Review Team (MRT) on September 21, 2017, for review of continuing eligibility for Medicaid Disability and SDA.
4. On October 3, 2017, MRT closed the case and returned it to the local office because Petitioner had received a final decision from Social Security Administration had been made; and Petitioner had not further appeals available to

him regarding SSA's determination on his eligibility for Supplemental Security Income (SSI).

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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, Petitioner requested a hearing to dispute the closure of his SDA benefits. Petitioner was an ongoing recipient of SDA benefits. A medical review was due in September 2017. On or about September 12, 2017, Petitioner's case was referred to MRT for a medical review. On October 3, 2017, his SDA case was closed because he did not have a SSI matter pending with the Social Security Administration (SSA). Petitioner had exhausted his appeals with SSA regarding a claim for SSI.

As a condition of eligibility for SDA benefits, individuals must apply for any state and/or federal benefits for which they may be eligible. Refusal to pursue a potential benefit results in the individual's ineligibility. BEM 270 (April 2016), p. 1; See also 42 CFR 435.608. Supplemental Security Income (SSI) can be a potential benefit. BEM 270, p. 2. A person applying, receiving or eligible for SDA and disability-related MA must be referred to the SSA to apply for SSI. BEM 270, p.3. The Department referred Petitioner to SSA on several occasions in 2017.

For individuals applying for SDA, verification must be obtained from SSA that an application or appeal is on file **before** the case is referred to the Disability Determination Service (DDS) (formerly Medical Review Team [MRT]). BEM 270, p. 7. Once SSA's decision is final, the local office must take the following actions: 1. For clients receiving SDA/MA, SSA's determination that disability or blindness does not exist for SSI is final and the SDA/MA case must be processed for closure if: (i) the determination was made after January 1, 1990, **and** (ii) 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 (iii) the client is **not**

claiming either a totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s), change, or deterioration in his/her condition that SSA has reviewed and not made a determination on yet. BEM 271, p. 10.

In this case, the Single Online Query (SOLQ) report run by the Department confirmed that a final appeal with SSA was denied on August 25, 2017. Although Petitioner testified at the hearing that there had been a deterioration in his condition, there was no evidence that he had notified the Department of his worsening condition prior to his case closure and the request for a hearing.

DECISION AND ORDER

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 SDA benefits.

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



DM/jaf

Denise McNulty
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]

Petitioner

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