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

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Reg. No.: 14-000842

Issue No.: Case No.: 2001

Hearing Date: County:

May 22, 2014 Wayne (17)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on May 22, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR), from L & S Associates, Inc. Participants on behalf of the Department of Human Services (Department or DHS) included Zaineb Hussein, Medical Contact Worker.

ISSUES

Did the Department properly activate Claimant's Supplemental Security Income (SSI) - Medical Assistance (MA) coverage from 2011 to 2012?

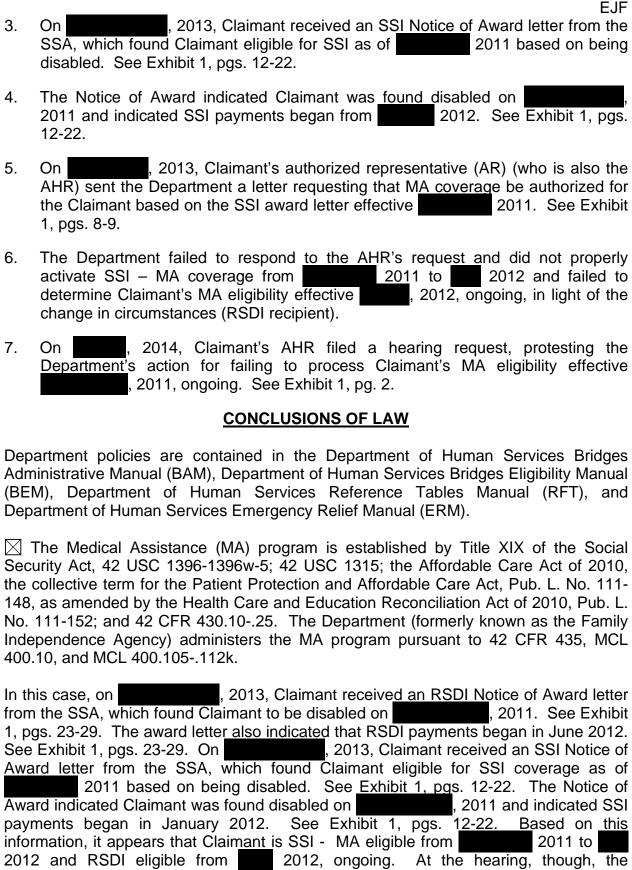
Did the Department properly determine Claimant's MA eligibility effective ongoing?

FINDINGS OF FACT

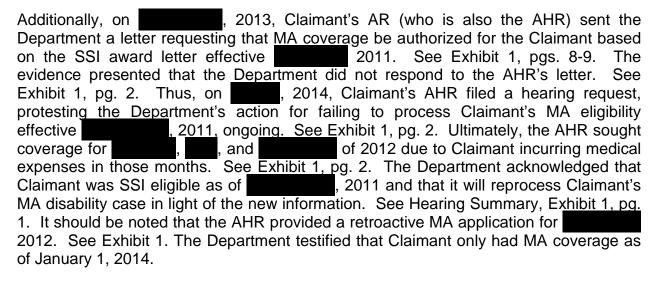
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On ______, 2013, Claimant received a Retirement, Survivors, and Disability Insurance (RSDI) Notice of Award letter from the Social Security Administration (SSA), which found Claimant to be disabled on _____, 2011. See Exhibit 1, pgs. 23-29.
- 2. The award letter also indicated that RSDI payments began in Exhibit 1, pgs. 23-29.





Department testified that Claimant appeared to receive both RSDI and SSI effective January 2014, ongoing. See SOLQ, Exhibit 1, pgs. 2-4.



First, it is determined that the Department failed to properly activate Claimant's SSI – MA coverage from 2011 to 2012.

To be automatically eligible for Medicaid (MA) an SSI recipient must both: be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 (July 2013), p. 1. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 1. Verification sources includes a copy of a current SSI award letter from SSA, SOLQ, etc...BEM 150, p. 9.

The Department determines eligibility and benefit amounts for all requested programs. BAM 105 (October 2013), p. 14. However, SSI recipients are automatically eligible for current MA. BAM 105, p. 14. A DHS-1171, Assistance Application, is not needed for SSI recipients. BAM 115 (July 2013), p. 10.

The AHR properly notified the Department on entitled to SSI effective 2011 and to determine MA eligibility from this date. See Exhibit 1, pgs. 8-9. Moreover, the evidence presented that Claimant became an RSDI recipient as of 2012, ongoing. See Exhibit 1, pgs. 23-29. Therefore, the evidence presented that Claimant should have been activated for SSI – MA coverage from 2011 to 2012. Because the AHR properly notified the Department that Claimant is an SSI recipient and the Department failed to process the MA coverage, it will therefore activate Claimant's SSI – MA coverage from 2011 to 2012 in accordance with Department policy. See BAM 105, p. 14; BAM 115, p. 10; and BEM 150, pp. 1 and 9.

Second, the Department failed to determine Claimant's MA eligibility effective 2012, ongoing, due to Claimant's MA change in circumstances.

A person eligible for RSDI benefits based on his disability or blindness meets the disability or blindness criteria. BEM 260 (July 2013), p. 1. Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260, pp. 1-2. Sources of Verification for Receipt of RSDI based on disability includes the SOLQ. See BEM 260, p. 8.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (October 2013), p. 9. Changes must be reported within 10 days of receiving the first payment reflecting the change (e.g., income reporting requirements). BAM 105, p. 9. Other changes must be reported within 10 days after the client is aware of them. BAM 105, pp. 9-10.

In this case, the change in circumstances was Claimant becoming an RSDI recipient , 2012, ongoing. As stated previously, Claimant was an SSI recipient effective 2011 to 2012, however, his coverage changed to RSDI effective 2012. It should be noted that the Department's SOLQ confirms that Claimant began receiving RSDI benefits effective 2012. See SOLQ, Exhibit 1, pg. 1 and BEM 260, pp. 1-2 and 8. As such, Claimant had a change in circumstances that potentially affected his MA coverage when he converted to RSDI income effective 2012. Because Claimant had a change in circumstances affecting his MA coverage effective , 2012 (RSDI recipient), it will determine Claimant's MA eligibility , 2012, ongoing, in accordance with Department policy. See BAM 105, effective pp. 9-10 and BEM 260, pp. 1-2 and 8.

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 did not act in accordance with Department policy when it (i) failed to properly activate Claimant's SSI – MA coverage from 2011 to 2012; and (ii) failed to determine Claimant's MA eligibility effective 2012, ongoing, due to a change in circumstances effecting his MA coverage (SSI to RSDI recipient).

Accordingly, the Department's MA decision is REVERSED.

\boxtimes	THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN
	ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS
	HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS
	DECISION AND ORDER: Other changes must be reported within 10 days after the
	client is aware of them.

- 1. The Department shall activate coverage for Claimant's SSI MA benefits from 2011 to 2012, in accordance with Department policy;
- 2. Determine Claimant's MA eligibility effective accordance with Department policy; and

3. Notify Claimant and/or Claimant's AHR in writing of its MA decision in accordance with Department policy.

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: 5/28/2014

Date Mailed: 5/28/2014

____/ ____

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:

L & S Associates
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