



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 12, 2022
MOAHR Docket No.: 22-003642
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 15, 2022, from Lansing, Michigan. ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Zina Ani, Supervisor, Helen Hampshire, former Eligibility Specialist (ES), and Theresa Sharpe, Office of Child Support Lead Worker.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-32.

ISSUE

Did the Department properly close Petitioner's Medical Assistance (MA) and State SSI Payments (SSP) 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. On ██████████, 2022, Petitioner applied for Health Care Coverage. (Exhibit A, p. 1)
2. On ██████████ 2022, MA for persons under age 21 (U19) was approved for Petitioner's children. (Exhibit A, pp. 1,15-18, and 22)
3. Petitioner receives Supplemental Security Income (SSI) benefits. (Exhibit A, p. 22)
4. On or about ██████████ 2022, SSI related MA was approved for Petitioner. (Exhibit A, p. 22)

5. Petitioner was also approved for the SSP program. (Exhibit A, p. 17; ES Testimony)
6. On June 21, 2021 child support non-compliance was automatically updated via Michigan Child Support Enforcement System (MICSES) Interface. (Exhibit A, p. 2)
7. On June 22, 2022, Petitioner requested closure of all active programs. (Exhibit A, p. 2)
8. On [REDACTED] 2022, a Health Care Coverage Determination Notice was issued to Petitioner closing MA for Petitioner's children based on her written request to do so. (Exhibit A, pp. 19-21)
9. On July 26, 2022, an Administrative Hearing was held under MOAHR Docket No. 22-002695 regarding the closure of Petitioner's MA benefits. (Exhibit A, p. 23)
10. On August 2, 2022 a Hearing Decision was issued for MOAHR Docket No. 22-002695 affirming the Department's [REDACTED] 2022 closure. (Exhibit A, pp. 23-25)
11. On or about [REDACTED] 2022, Petitioner's SSI-related MA closed and this was confirmed with the SSI Coordinator. (Exhibit A, p. 2)
12. On or about [REDACTED] 2022, Petitioner's SSP case was closed. (ES Testimony)
13. Between August 8-11, 2022, Petitioner filed a hearing request indicating this was her fourth request to close any and all public assistance or child support services. (Exhibit A, pp. 3-14)

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP

pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

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.

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged (at least 65), blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. To be automatically eligible for Medicaid (MA) an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. An automated process tries to match SSI recipients with persons active in other Department administered programs such as Medicaid. BEM 150, July 1, 2021, pp 1-2.

Regarding the SSP program, states are allowed the option to supplement the federal benefit with state funds. In Michigan SSI benefits include a basic federal benefit and an additional amount paid with state funds. The amount of the state benefit varies by living arrangement. Payments are made for only those months the recipient received a regular first of the month federal benefit. These are shown on SOLQ as a recurring payment dated the first of the month. The SSP benefits are paid the last month of each quarter. BEM 660, October 1, 2021, pp. 1-2.

As a condition of eligibility for Medicaid, the client must identify all third-party resources unless he/she has good cause for not cooperating. Failure, without good cause, to identify a third-party resource result in disqualification. A third-party resource is a person, entity or program that is, or might be, liable to pay all or part of a group member's medical expenses. BEM 257, October 1, 2020, p 1.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the Department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255, January 1, 2020, p. 1. Failure to cooperate without good cause results in member disqualification. The adult member who fails to cooperate is not eligible for MA when both of the following are true: the child for whom support/paternity action is required receives MA; and the individual and child live together. BEM 255 January 1, 2020, p. 14.

While Petitioner may not have intended to do so, Petitioner's ██████████ 2022 application for Health Care Coverage resulted in a series of events. On ██████████ 2022, MA for persons under age 21 (U19) was approved for Petitioner's children. (Exhibit A, pp. 1,15-18, and 23) On or about ██████████ 2022, SSI related MA was approved for Petitioner. (Exhibit A, p. 22) Petitioner was also approved for the SSP program. (Exhibit A, p. 17; ES Testimony)

Additionally, the MA application also triggered an automatic referral to the Office of Child Support. Specifically, on June 21, 2021 child support non-compliance was automatically updated via MICSES Interface (Exhibit A, p. 2; ES Testimony) As indicated in the testimony of the OCS Lead Worker, this process included contact with Friend of the Court. (OCS Lead Worker Testimony)

On June 22, 2022, Petitioner requested closure of all active programs. (Exhibit A, p. 2) Unfortunately, the closures could not all be immediately implemented. On ██████████ 2022, a Health Care Coverage Determination Notice was issued to Petitioner closing MA for Petitioner's children based on her written request to do so. (Exhibit A, pp. 19-21) The ES explained that because Petitioner is an SSI recipient, the closure of her SSI related MA and SSP benefits required involvement of an SSI Coordinator. During this time period, Petitioner moved from Kent County to Barry County. When transferring

Petitioner's case, it was erroneously transferred to Allegan County first, then transferred to Barry County. (Exhibit A, p. 17; ES Testimony)

On July 26, 2022, an Administrative Hearing was held under MOAHR Docket No. 22-002695 regarding the closure of Petitioner's MA benefits. (Exhibit A, p. 23) On August 2, 2022 a Hearing Decision was issued for MOAHR Docket No. 22-002695 affirming the Department's ██████████ 2022 closure. (Exhibit A, pp. 23-25)

On ██████████ 2022, Petitioner's SSI-related MA closed and this was confirmed with the SSI Coordinator. (Exhibit A, p. 2) Petitioner's SSP case was also closed. (ES Testimony) The OCS Lead Worker confirmed that Petitioner's OCS referral has been closed out and she confirmed with Friend of the Court that their case has also been closed. (OCS Lead Worker Testimony)

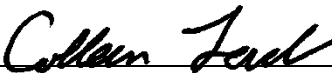
Finally, during the hearing proceeding the ES reviewed the Department's computer system and confirmed that there are no other types of public assistance benefit cases for Petitioner and her children.

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 MA and SSP benefits.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail :

Department Representative
Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933
MDHHS-OCS-Admin-Hearings@michigan.gov

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121 Franklin SE
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Interested Parties
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Via First Class Mail :

Petitioner
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[REDACTED]
[REDACTED] MI [REDACTED]