

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-13703

Issue No: 2009, 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 13, 2009

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on May 13, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant no longer met the disability standard for Medical Assistance based on disability (MA-P) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

- (1) On July 14, 2007, Claimant applied for Medical Assistance (MA) based on disability and State Disability Assistance (SDA).
- (2) On August 30, 2007, the Department of Human Services Medical Review Team

determined that Claimant was disabled in accordance with the standards for Medical Assistance (MA) or State Disability Assistance (SDA).

(3) On October 5, 2007, Claimant applied for Supplemental Security Income (SSI).

(4) In early 2008, Claimant's Supplemental Security Income (SSI) application was denied. Claimant did not appeal the denial.

(5) On October 1, 2008 the Department Medical Review Team reviewed Claimant's case and determined she was no longer disabled for purposes of Medical Assistance (MA) based on disability or State Disability Assistance (SDA).

(6) On October 7, 2008, Claimant was sent notice of the Department's determination.

(7) On December 16, 2008, Claimant submitted a request for hearing.

(8) On March 4, 2009, the State Hearing Review Team determined that Claimant was no longer disabled in accordance with the standards for Medical Assistance (MA) or State Disability Assistance (SDA).

(9) Review of Claimant's medical evidence shows that the basis of her disability claim at application on July 14, 2007, is the same as her claim of continuing disability for the medical review on October 1, 2008, and during the hearing process she requested.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manuals (PRM).

Department policy provides the following guidance. The Department's policies are available on the internet through the Department's website.

MA DISABILITY/BLINDNESS

DISABILITY/BLINDNESS

DETERMINATIONS AND REFERRALS

Not Eligible For RSDI

If the client is **not** eligible for RSDI based on disability or blindness:

- The Medical Review Team (MRT) certifies disability.
- The State Review Team (SRT) certifies blindness.

Exception: The Social Security Administration's (SSA's) final determination that the client is **not** disabled/blind for SS I, **not** RSDI, takes **precedence** over an MRT/SRT determination. See **"Final SSI Disability Determination"** below.

Final SSI Disability Determination

SSA's determination that disability or blindness does **not** exist for SSI is **final** for MA if:

- The determination was made after 1/1/90, **and**
- No further appeals may be made at SSA (see [EXHIBIT II](#) in this item), **or**
- The client failed to file an appeal at any step within SSA's 60 day limit, **and**

- The client is **not** claiming:
 - A totally different disabling condition than the condition SSA based its determination on, **or**
 - An additional impairment(s) or change or deterioration in his condition that SSA has **not** made a determination on.

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. (BEM 260)

In this case evidence and testimony establish that the Social Security Administration made a final determination on all of Claimant's assertions of disability involved in this request for hearing. That determination is binding on the State of Michigan. No further analysis is required to decide this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly determine that Claimant no longer met the disability standard for Medical Assistance based on disability (MA-P) and State Disability Assistance (SDA)

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 3, 2010

Date Mailed: August 4, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH/alc

cc:

