

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant,

Reg. No. 2009-25063

Issue No. 2009, 4031

Case No: ██████████

Load No. ██████████

Hearing Date:

September 2, 2009

DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter was conducted by telephone conference on September 2, 2009 pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing received by the Department. At the hearing, the Claimant was present and testified. Toni Cade, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled upon review for purposes of Medical Assistance ("MA") program and State Disability ("SDA") programs.

FINDINGS OF FACT

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

1. Claimant filed for Medical Assistance and State Disability Assistance in January of 2008 and was approved.

2. The Medical Review Team denied Claimant's MA and SDA upon review on April 17, 2009.
3. Claimant filed a hearing request on April 29, 2009.
4. Prior to the subject hearing, Claimant had a hearing on April 7, 2009 in front of a Social Security ALJ to determine whether the Claimant met the disability criteria for the SSI program. Claimant testified that SSI was denied a week after her hearing and that she did not appeal the decision. The 60 day time period to appeal has expired. Claimant further testified that the Social Security disability determination was based on the same medical information provided in Claimant's current MA case.

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 400.1 *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration (SSA) determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM 260. The 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; no further appeals may be made at SSA; 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

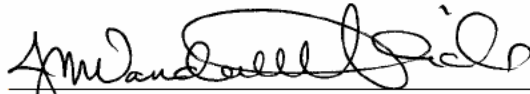
on. Eligibility for MA based on disability or blindness does not exist once SSA's determination is final. PEM 260, p. 3.

Claimant previously suffered from a mitral valve insufficiency with a mitral valve replacement in 2007. Claimant testified that the SSA determined that Claimant has recovered sufficiently so as to no longer be disabled under SSA regulations. Accordingly, the Department established that it acted in accordance with department policy when it denied the Claimant MA and SDA coverage. The negative action notice is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions.

Accordingly, it is ordered that the Department's decision is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/30/09

Date Mailed: 09/30/09

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.

JV/dj

2009-25063/JV

cc:

