

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: 2009-25912
Issue No: 2000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing. After due notice, a hearing was conducted in Detroit, Michigan on Monday, March 15, 2010. The Claimant appeared and testified. [REDACTED] also appeared but did not testify. Robin Stanford, Medical Contact Worker appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's March 13, 2009 Medical Assistance ("MA-P") after the Medical Review Team review?

FINDINGS OF FACT

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

1. The Claimant submitted an application with the Social Security Administration ("SSA") for Supplemental Security Income ("SSI") benefits on November 13, 2007.

2. The Claimant submitted a public assistance application on March 25, 2005 and was receiving SDA and Medicaid benefits.
3. The SSA denied the Claimant's November 13, 2007 application for SSI benefits and determined the Claimant was "not disabled".
4. The Claimant failed to appeal the SSA's determination.
5. The Claimant is [REDACTED] and his medical condition is not different than at the time of his initial SSI application on November 2007.
6. The Claimant reapplied for SSI in March 2009 with the Social Security Administration and was denied SSI on May 20, 2009. Exhibit 2 and 3
7. An appeal of the SSA denial of the Claimant's SSI application is pending with the SSA.
8. In March of 2009, the Claimant's status was reviewed by the Medical Review Team ("MRT") which deferred its decision because the Claimant did not appeal the SSA denial of the Claimant November 13, 2007 application for SSI. (Exhibit 1)
9. On April 20, 2009, the Department took a negative action and closed the claimant's SDA and MA benefits effective May 9, 2009. The Department deleted its negative action decision pending the outcome of the present hearing outcome.
10. The Hearing Record was left open for ten days, until March 25, 2010, to allow the Claimant to submit his proof of appeal of the March 2009 SSI denial and to provide the reason for the denial. These items were submitted on the Claimant's behalf by the Department. see Exhibits 2 and 3
11. On May 6, 2009, the Department received the Claimant's written request for a hearing protesting the termination of the Claimant's SDA and MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services (“DHS”), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”)-currently the Bridges Administrative Manual (“BAM”), the Program Eligibility Manual (“PEM”) currently the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”) currently the Bridges Program Glossary (“BPG”).

The disability standard for both disability related MA and SSI is the same. PEM 271; BEM 271. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. PEM 260; BEM 260. The SSA Appeals Process consists of three steps:

1. Reconsideration (if initial application filed prior to October 1, 1999)
2. Hearing
3. Appeals Council

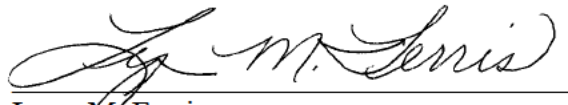
PEM 260; BEM 260. The client has 60 days from the date he receives a denial notice to appeal a SSA action. PEM 260, PEM 271; BEM 260, BEM 271, pages 2, and 3. An SSA determination becomes final when no further appeals may be made at SSA. PEM 260; BEM 260. Once SSA’s determination that a disability or blindness does not exist becomes final, the state Medical Assistance case must be closed. PEM 260, PEM 271; BEM 260, BEM 271

In the record presented, the SSA made a specific finding, based on the Claimant’s November 13, 2007 application, that the Claimant was not disabled. The SSA decision was not appealed thus became final and binding on the Claimant’s MA case. BEM 260 page2 and 3.

The Claimant may reapply for MA benefits, however, the Department's closure of the Claimant's Medical Assistance case was proper and followed the policy established in BEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and the final decision from the SSA which was not appealed after it was denied, concludes that the Department's action to close the Claimant's MA case is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/13/10

Date Mailed: 04/16/10

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.

LMF/dj

cc:

