



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: 2009-37260  
Issue No: 2009, 4031  
Case No:   
Load No:   
Hearing Date:  
December 9, 2009  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 telephone hearing was conducted from Detroit, Michigan on December 9, 2009. The Claimant appeared and testified. Cheryl Howell, Assistant Payment Supervisor, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Medical Assistance ("MA") benefits effective May 21, 2009.

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 MA and SDA on 11/25/08 with retroactive benefits to August, 2008.

2. Claimant applied for SSI/RSDI on 6/5/07. The Claimant's SSI was denied in November of 2008 and Claimant testified that she did not appeal.
3. The Claimant failed to appeal the Social Security Administration's ("SSA") denial of SSI.
4. Claimant's impairments have been medically diagnosed as major depressive disorder.

#### 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"), formally 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"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

State Disability Assistant ("SDA") clients receiving disability-related MA must apply for SSI as a potential resource. PEM 270, p. 1. SDA clients are referred to the Social Security Administration to apply for Supplemental Security Income ("SSI") when they also receive Medicaid ("MA") based on an Medical Review Team ("MRT") decision that they are blind or disabled. PEM 271, p. 1. The disability standard for both disability related MA and SSI is the same. PEM 271, p. 1. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. PEM 260, p. 9. The SSA Appeals Process consists of three steps:

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

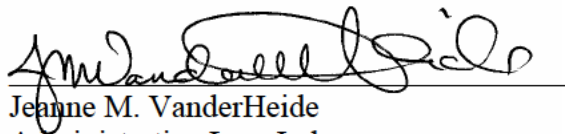
PEM 260, p. 9. The client has 60 days from the date he receives a denial notice to appeal a SSA action. PEM 260, p. 9; PEM 271, p. 6. A SSA determination becomes final when no further appeals may be made at SSA. PEM 260, p. 2. Once a SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. PEM 260, p. 3; PEM 271, p. 8.

In the record presented, the SSA made a determination that the Claimant was not eligible for SSI on October 21, 2008. The SSA decision was not appealed and thus became final and binding on the Claimant's MA case. Ultimately, the Department established it acted in accordance with department policy when it cancelled the Claimant's MA coverage. The denial of MA is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law find that the Department acted in accordance with departmental policy when it denied the Claimant's MA and SDA coverage May 21, 2009.

Accordingly, it is ordered that the denial of MA and SDA is AFFIRMED.



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

Date Signed: 02/01/10

Date Mailed: 02/03/10

**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.

JV/dj

cc:

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