

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.: 2009-9052
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 27, 2009
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on May 27, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED], Inc. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P"), Retro MA-P, and State Disability Assistance ("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. The Claimant submitted a public assistance application seeking MA-P, Retro MA-P from October 2007, and SDA benefits on January 18, 1008. (Exhibit 1, pp. 13 – 18)

2. On April 3, 2008, the Medical Review Team deferred the disability determination in order to secure additional medical documentation. (Exhibit 1, p. 161)
3. On August 15, 2008, the MRT determined the Claimant was not disabled finding the Claimant's impairment(s) lacked duration of 12 months or longer. (Exhibit 1, pp. 24, 25)
4. On August 22, 2008 and November 21, 2008, the Department sent the Claimant an eligibility notice informing the Claimant she was not eligible for MA-P. (Exhibit 1, pp. 20 – 23)
5. On October 16, 2008, the Department received the Claimant's Request for Hearing protesting the determination that the Claimant was not disabled. (Exhibit 1, p. 1)
6. On November 13, 2008, the Social Security Administration ("SSA") found the Claimant not disabled. (Exhibit 4)
7. The Claimant failed to appeal the SSA's determination.
8. On January 16, 2009, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 2, pp. 1, 2)

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").

The disability standard for both disability related MA and SSI is the same. PEM 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 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; PEM 271

In the record presented, the SSA made a determination that the Claimant was not disabled thus not eligible for SSI on November 13, 2008 for effective date of application of July 9, 2008. The SSA decision was not appealed thus became final and binding on the Claimant's MA case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law dismisses the Claimant's Request for Hearing based upon the final decision from the SSA. Accordingly, it is ORDERED:

The Claimant's Request for Hearing is DISMISSED.

/s/
Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 06/02/09

Date Mailed: 06/02/09

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 the Circuit within 30 days of the receipt 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.

CMM/jlg

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