

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.: 2009-21838
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 7, 2010
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on January 7, 2010. Claimant appeared and testified. Claimant was represented by [REDACTED] of [REDACTED].

ISSUE

Does the final Social Security Administration (SSA) determination that claimant is not "disabled" for purposes of Supplemental Security Income (SSI) preclude eligibility for the Medical Assistance (MA-P) program based upon disability during the same period of time?

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 September 28, 2007, claimant filed an application for a period of disability (SSI) and disability insurance benefits with the SSA.

- 2) On December 21, 2007, claimant filed an application seeking MA-P retroactive to September of 2007.
- 3) On February 6, 2008, the department denied claimant's application for MA-P based upon the belief that claimant was not "disabled."
- 4) On March 20, 2008, claimant filed a hearing request to protest the department's determination.
- 5) On August 28, 2009, following the hearing, an SSA Administrative Law Judge found, with regard to claimant's September 28, 2007, application for SSI and Retirement Survivors' and Disability Insurance (RSDI) that claimant was not under a disability from January 1, 2000, through August 28, 2009.
- 6) Claimant did not appeal the SSA decision.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Relevant departmental policy in this matter is as follows:

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 ...
- The client failed to file an appeal at any step within SSA's 60-day limit ...

Eligibility for MA based upon disability or blindness does not exist once SSA's determination is final. BEM Item 260, pp. 2 and 3.

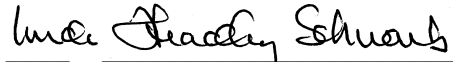
In this case, claimant filed an application with the SSA for SSI and RSDI on September 28, 2007. Thereafter, he filed an application with the department for MA-P on December 21, 2007, seeking MA-P retroactive to September of 2007. The department denied claimant's application for MA-P benefits on February 6, 2008, based upon the belief that claimant did not meet the requisite disability criteria. On August 28, 2009, following the hearing, an SSA Administrative Law Judge found that, with regard to claimant's September 28, 2007, application for SSI and RSDI, claimant was not under a disability from January 1, 2000, through August 28, 2009. Claimant did not appeal the SSA determination and that determination became final. An SSA determination that disability does not exist for SSI is final for purposes of MA. Thus, the department's determination that claimant is not "disabled" for purposes of claimant's eligibility for MA-P in his December 21, 2007, application must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Social Security Administration's determination that claimant is not "disabled" for purposes of Supplemental Security Income is final for purposes of claimant's

eligibility for Medical Assistance based upon disability during the same time period.

Accordingly, the department's decision in this matter must be affirmed.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 2, 2010

Date Mailed: March 9, 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.

LSS/pf

cc:

