

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: 2009-36680

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 27, 2009

Oceana County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 telephone conference hearing was held on October 27, 2009.

ISSUE

Did the Department of Human Services (DHS) properly propose to close claimant's Medical Assistance (MA-P) application due to claimant receiving a final SSA Disability Appeals Council denial?

FINDINGS OF FACT

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

(1) At all relevant times prior to the proposed negative action herein, claimant was an MA-P recipient with the Michigan DHS.

(2) In February, 2008, claimant's MA-P was scheduled for review.

(3) On 3/26/08, the MRT denied continuing eligibility.

(4) On 4/9/08, the DHS issued notice.

(5) On 4/21/08, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

(6) Claimant has been denied SSI by the Social Security Administration (SSA).

Claimant received a final determination by the SSA Appeals Council on 1/18/08. None of the exceptions apply.

(7) On 10/1/09, the State Hearing Review Team (SHRT) denied claimant on the basis of: “*res judicata* provisions: SSA disability council denial 1/18/08.”

#### 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).

Applicable to the case herein, policy states:

#### **Final SSI Eligibility Determination**

Once SSA’s decision is **final**, the local office **must take the following actions:**

1. For clients receiving **MA**, SSA’s determination that disability or blindness **does not exist** for SSI is **final and the MA case must be closed** if:
  - The determination was made after 1/1/90, **and**
  - No further appeals may be made at SSA (see “Exhibit II” in BEM 260), **or**
  - 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.

**Note:** If the client alleges either condition listed above, obtain a new medical report and resubmit to the MRT for a new determination in accordance with BEM 260. ...

BEM, Item 271, pp. 8-9.

Relevant federal regulations are found at 42 CFR Part 435. These regulations provide: “An SSA disability determination is binding on an agency until the determination is changed by the SSA.” 42 CFR 435.541(a)(b)(i). These regulations further provide: “If the SSA determination is changed, the new determination is also binding on the agency.” 42 CFR 435.541(a)(b)(ii).

In this case, there is apparently no dispute relative to the facts. Claimant’s claim was considered by SSA and benefits denied. The determination was final. Claimant is alleging the same impairments. None of the exceptions apply.

For these reasons, under the above-cited policy and federal law, this Administrative Law Judge has no jurisdiction to proceed with a substantive review. The department’s denial must be upheld.

As noted above, should the SSA change its determination, then the new determination would also be binding on the DHS.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department’s proposed closure of claimant’s MA-P was correct.

Accordingly, the department's proposed closure is hereby UPHeld.

/s/ \_\_\_\_\_  
Janice Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 2, 2009

Date Mailed: November 2, 2009

**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 mailing date of the rehearing decision.

JS/cv

cc:

