

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.: 2010-7744
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 14, 2009
Oakland County DHS (2)

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 conducted from Madison Heights, Michigan on Monday, December 14, 2009. The Claimant testified via telephone from prison. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit 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. On November 28, 2008, the Claimant submitted an application for SSI with the Social Security Administration ("SSA"). (Exhibit 1, pp. 60 – 62)

2. The Claimant submitted a public assistance application seeking MA-P benefits retroactive for November 2008, on February 19, 2009.
3. In April of 2009, the SSA determined the Claimant was not disabled specifically covering the November 2008 time period. (Exhibit 1, pp. 60 -62)
4. On June 25, 2009, the Medical Review Team (“MRT”) determined the Claimant was not disabled. (Exhibit 2, pp. 1, 2)
5. On June 29, 2009, the Department sent an eligibility notice to the Claimant informing him that he was found not disabled. (Exhibit 1, p. 2)
6. The Claimant failed to appeal the SSA determination within 90 days.
7. On September 23, 2009, the Department received the Claimant’s timely written request for hearing. (Exhibit 1, p. 5)
8. On December 1, 2009, the State Hearing Review Team found the Claimant not disabled.
9. The Claimant’s alleged physical and mental disabling impairments are due to chronic left arm pain/numbness, Hepatitis C, seizure disoreder, attention deficit disorder, and bipolar disorder.
10. At the time of the hearing, the Claimant was 41 years old with a [REDACTED] birth date; was 5’10” in height; and weighed 160 pounds.
11. The Claimant obtained his GED and has two semesters of college with some vocational training as an auto technician.
12. The Claimant’s employment history consists primarily of work in tire stores and oil change shops, and as an office manager.

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 (“DHS”), formally known as the Family Independence Agency, 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”).

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 The client has 60 days from the date he receives a denial notice to appeal a SSA action. PEM 260; PEM 271 A SSA determination becomes final when no further appeals may be made at SSA. PEM 260 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 eligible for SSI in April of 2009 specifically including the retroactive MA-P month of November 2008. There was no further medical evidence submitted to establish, nor was it alleged, that after April 2009, the Claimant’s condition worsened or that the Claimant suffered from a new condition/impairment. Ultimately, 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.

Colleen M. Mamelka

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

Date Signed: 1/12/2010

Date Mailed: 1/12/2010

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 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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