

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.: 2010-10907
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 20, 2010
Macomb County DHS (12)

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 20, 2010. Claimant appeared and testified. Claimant was represented by [REDACTED]. Following the hearing, the record was kept open for the receipt of additional medical evidence. No additional documents were received.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

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 December 18, 2007, claimant filed an application with the Social Security Administration (SSA) for Supplemental Security Income (SSI) and Retirement Survivor's and Disability Insurance (RSDI).
- 2) On March 23, 2009, an application was filed on claimant's behalf for MA-P and SDA benefits. The application requested MA-P retroactive to January of 2009.
- 3) On July 30, 2009, the department denied claimant's March 23, 2009, application for program benefits based upon the belief that claimant did not meet the requisite disability criteria.
- 4) On October 22, 2009, a hearing request was filed to protest the denial of claimant's March 23, 2009, application for MA-P and SDA benefits.
- 5) On January 7, 2010, an Administrative Law Judge with the SSA, following a request for hearing to protest the SSA's denial of claimant's December 18, 2007, application for Social Security benefits based upon disability, found that claimant was "disabled" effective May 2, 2009.
- 6) Claimant did not appeal the SSA determination regarding disability onset.
- 7) Claimant has the following severe impairments: degenerative disc disease, cardiomyopathy and depression-bereavement.

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 December 18, 2007. Thereafter, an application was filed with the department on claimant's behalf on March 23, 2009, seeking MA-P benefits retroactive to January of 2009 and SDA benefits. The department denied claimant's application for MA-P and SDA benefits on July 30, 2009, based upon the belief that claimant did not meet the requisite disability criteria. On January 7, 2010, following an October 14, 2009, hearing before an SSA Administrative Law Judge, the SSA Administrative Law Judge found that, with regard to claimant's December 18, 2007, application for SSI and RSDI, claimant was not under a disability until May 2, 2009. Claimant did not appeal the SSA determination with regard to disability onset date 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 was not "disabled" for purposes of claimant's eligibility for her March 23, 2009, application for MA-P must be upheld.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or

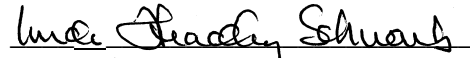
department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

A person is considered disabled for purposes of SDA if the person has a physical or mental impairment which meets federal SSI disability standards for at least 90 days. Receipt of SSI or RSDI benefits based upon disability or blindness or the receipt of MA benefits based upon disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program. Other specific financial and non-financial eligibility criteria are found in PEM Item 261. In this case, with regard to claimant's March 23, 2009, application for SDA benefits, there is insufficient medical evidence to support a finding that claimant was incapacitated or unable to work under SSI disability standards for at least 90 days. Therefore, this Administrative Law Judge must find that, for purposes of the March 23, 2009, application for SDA benefits, claimant was not disabled for purposes of the SDA program. Accordingly, the department's determination in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly determined that claimant was not "disabled" for purposes of claimant's March 23, 2009, application for Medical Assistance and

State Disability Assistance programs. Accordingly, the department's determination in this matter is hereby affirmed.


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

Date Signed: April 27, 2010

Date Mailed: April 28, 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:

