

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: 2010-14898
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 10, 2010
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 hearing was held on February 10, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that the claimant was no longer eligible for Medical Assistance (MA-P) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

(1) Claimant was receiving MA and SDA per previous Medical Review Team (MRT) approval when her case came due for a medical review in June, 2009.

(2) On September 22, 2009, MRT determined that the claimant was no longer disabled for MA and SDA eligibility purpose.

(3) On September 24, 2009, the department caseworker sent claimant notice that her MA and SDA benefits will terminate effective November, 2009.

(4) On December 2, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On January 19, 2010, the State Hearing Review Team also determined that the claimant was no longer MA and SDA eligible as she was capable of light work per 20 CFR 416.967(b) and Vocational Rule 202.15 due to medical improvement.

(6) Claimant testified at the hearing that her Social Security disability claim has been denied by Social Security Administration (SSA) at the Appeals Council level. Claimant also testified that she is now working 27 hours per week.

(7) Bridges SOLQ Data report from SSA also verifies that the claimant has been denied at Appeals Council level.

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).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy states:

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**
- No further appeals may be made at SSA (see [EXHIBIT II](#) in this item), **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.

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. If the Appeals Council upholds the ALJ's decision, there are no further appeals at SSA. The client may contest SSA's decision at the appropriate federal district court. BAM 260.

Claimant has been denied at SSA by the Appeals Council and this is the final SSA decision. Claimant is not stating that she has a different disabling condition, and is working 27 hours per week. Claimant is therefore not eligible for MA as SSA determination is final for MA.

The department's Bridges Eligibility Manual contains the following policy statements and instructions for caseworkers regarding the State Disability Assistance program: to receive State Disability Assistance, a person must be disabled, caring for a disabled person or age 65 or older. BEM, Item 261, page 1. Because the claimant does not meet the definition of disabled under the MA-P program and because the evidence of record does not establish that claimant is

unable to work for a period exceeding 90 days, the claimant does not meet the disability criteria for State Disability Assistance benefits either.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined that the claimant was no longer eligible for MA and SDA benefits.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: __ March 16, 2010

Date Mailed: __ March 17, 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.

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