

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.: 2010-17118  
Issue No.: 2009, 4031  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
April 1, 2010  
Wayne County DHS (76)

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 April 1, 2010. Claimant appeared and testified.

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 September 16, 2009, claimant filed an application for MA-P and SDA benefits. The application requested MA-P retroactive to June of 2009.

- 2) On November 5, 2009, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.
- 3) On January 12, 2010, claimant filed a hearing request to protest the department's determination.
- 4) Claimant, age 43, has an eleventh-grade education.
- 5) Claimant applied for Supplemental Security Income (SSI) with the Social Security Administration (SSA). Claimant's application was denied at the initial SSA determination. Claimant did not appeal the denial.
- 6) The SSA's final determination regarding claimant's disability involved the same condition(s) as that considered by the department in the instant application.
- 7) At the hearing, claimant acknowledged that she was an ongoing recipient of Unemployment Compensation benefits. Claimant testified that she is currently able to, available for, and actively seeking suitable full-time work.
- 8) Claimant is capable of work activities on a regular and continuing basis.

#### 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 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**
- No further appeals may be made at SSA ..., **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.

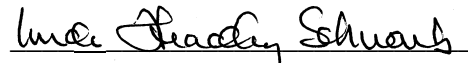
Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. BEM Item 260, Pages 2 and 3.

In this case, claimant acknowledged at the hearing that the SSA and the department considered the same medical condition(s). Claimant's application with the SSA for SSI was denied. It was denied at the initial determination. Claimant did not appeal the SSA determination. The SSA determination is final and binding upon the department. Accordingly, the department properly determined that claimant is not disabled for purposes of MA benefits. Additionally, claimant acknowledged that she was, at the time of application and the hearing, receiving Unemployment Compensation benefits. As such, claimant was implicitly acknowledging that she was "able to, available for, and seeking suitable full-time work." Claimant testified that she is ready and willing to work. Claimant acknowledged that she was

actively seeking employment. For purposes of SDA benefits, the record supports a finding that is not incapacitated or unable to work under SSI disability standards for at least 90 days. It is the finding of this Administrative Law Judge that the department properly determined that claimant is not entitled to MA or SDA benefits based upon disability. Accordingly, the department's determination in this matter is hereby affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant is not "disabled" for purposes of the Medical Assistance and State Disability Assistance programs. Accordingly, the department's decision in this matter is hereby affirmed.

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

Date Signed: April 6, 2010

Date Mailed: April 6, 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.

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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:

