

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.: 2010-25143
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 16, 2010
Macomb County DHS (12)

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 Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, June 16, 2010. The Claimant appeared, along with [REDACTED] and [REDACTED], and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's August 20, 2009 Medical Assistance ("MA-P") application?

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application on August 20, 2009 seeking MA-P benefits.

2. The Claimant submitted an application with the Social Security Administration (“SSA”) for Supplemental Security Income (“SSI”) benefits on September 19, 2009.
3. On December 9, 2009, the SSA denied the Claimant’s RSDI application.
4. On December 2, 2009, the Medical Review Team (“MRT”) determined that the Claimant was not disabled. (Exhibit 1, pp. 276-77)
5. On February 9, 2010, the Medical Review Team (“MRT”) found the Claimant not disabled. (Exhibit 1, pp. 27, 28)
6. On March 3, 2010, the Department received the Claimant’s written request for hearing. (Exhibit 2)
7. On March 22, 2010, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 3)
8. The Claimant failed to appeal the SSA’s determination.

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 pursuant to MCL 400.10, *et. seq.* The Department of Human Services (“DHS”), formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

The disability standard for both disability related MA and SSI is the same. BEM 271 When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 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

BEM 260 The client has 60 days from the date he receives a denial notice to appeal a SSA action. BEM 260; BEM 271 A SSA determination becomes final when no further appeals may be made at SSA. BEM 260 Once a SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271

In the record presented, the SSA denied the Claimant's RSDI application based on substantial gainful activity. The SSA determination was for the same time period at issue and the Claimant was not asserting a "new" medical impairment(s). There have not been any changes in the Claimant's physical and/or mental condition since the denial. 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 Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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 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

cc:

