

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.: 2010-2828
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
December 9, 2009
Wayne County DHS (19)

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 December 9, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is no longer "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) Claimant has been an ongoing recipient of MA-P and SDA benefits based upon an application of July 7, 2006. The Medical Review Team (MRT) found claimant to be disabled based upon his cardiac condition.

- 2) On July 20, 2009, the department notified claimant that it intended to terminate his ongoing program benefits effective August 1, 2009, based upon the belief that claimant no longer met the disability criteria.
- 3) On August 1, 2009, claimant's MA-P and SDA were terminated.
- 4) On August 17, 2009, claimant filed a hearing request to protest the department's determination.
- 5) Claimant had applied for Retirement, Survivors, and Disability insurance (RSDI) and Supplemental Security Income (SSI) based upon disability with the Social Security Administration (SSA). Claimant's application was denied at the initial determination, denied by an SSA Administrative Law Judge, and denied by the SSA Appeals Council. Claimant did not appeal the denial.
- 6) The SSA's final determination regarding claimant's disability involved the same physical condition(s) and same medical documentation as that considered by the department.

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 has 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.

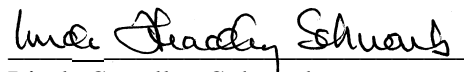
If the Appeals Council upholds the ALJ's decision, there is no further appeal at SSA. BEM 260, Page 10.

In this case, claimant acknowledged at the hearing that, when evaluating claimant, the SSA and the department considered the same medical conditions and the same medical evidence. Claimant's application with the SSA for RSDI and SSI based upon disability was denied. It was denied at the initial determination. It was denied by the SSA ALJ. It was denied by the SSA Appeals Council. As such, the SSA determination is final and binding upon the department. Accordingly, the department properly determined that claimant is not disabled for purposes of MA and SDA benefits. As a side note, at the hearing, claimant testified that he believes he is capable of light work, such as at [REDACTED], but rejects such employment because of

inadequate compensation. It should be further noted that claimant's cardiac condition has improved. A stress echo which was performed on [REDACTED], documented normal left ventricular systolic function with an estimated ejection fraction of 55%. On [REDACTED], claimant's treating cardiologist opined that claimant was capable of occasionally lifting up to twenty-five pounds and had no limitations upon his ability to engage in repetitive activities with the upper and lower extremities. Thus, it appears that, even without the final SSA determination, the department correctly determined that claimant's medical condition has improved and that he is now capable of substantial gainful activity. Accordingly, the department's decision in this matter must be upheld.

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 is no longer "disabled" for purposes of Medical Assistance and State Disability Assistance program benefits. 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: February 16, 2010

Date Mailed: February 18, 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:

