

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201040022

Issue No: 2009

[REDACTED] [REDACTED]  
Hearing Date: July 27, 2010  
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

**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, an in-person hearing was held on July 27, 2010. Claimant was represented by [REDACTED], collecting on behalf of a hospital.

**ISSUE**

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) application?

**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 November 24, 2009, claimant applied for MA-P with the Michigan DHS.
2. Claimant did not apply for retro MA.
3. On February 19, 2010, the MRT denied.
4. On March 22, 2010, the DHS issued notice.
5. On June 18, 2010, claimant filed a hearing request.
6. On July 2, 2010, the State Hearing Review Team (SHRT) denied claimant.
7. On June 17, 2010, the undersigned Administrative Law Judge received an SOLQ verification from the Social Security Administration indicating that claimant was denied pursuant to an Administrative Law Judge's decision

that was “unfavorable” on May 12, 2011. Claimant has been denied SSI by the Social Security Administration (SSA). Claimant has had a final determination by SSA. None of the exceptions apply.

8. As of the date of application, claimant was a 37-year-old male standing 5’6” tall and weighing 230 pounds. Claimant’s BMI is 37.1 classifying claimant as obese under the Body Mass Index. Claimant has a GED.
9. Claimant does not have an alcohol/drug abuse problem with regards to use. Claimant does not smoke. Claimant has been convicted of selling drugs.
10. Claimant has a driver’s license. Claimant testified that he does not drive due to problems with his right leg.
11. Claimant is not currently working. Claimant last worked in 2004 in lawn care. Claimant’s work history is unskilled.
12. Claimant alleges disability on the basis of shortness of breath, gunshot wound to abdomen, heart/hypertension. SHRT indicates a history of polysubstance abuse; claimant disputes the same.
13. The July 2, 2010 SHRT decision is adopted and incorporated by reference herein.

### **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).

Prior to any substantive review, jurisdiction is paramount. Applicable to the case herein, policy states:

#### **Final SSI Disability Determination**

SSA’s determination that disability or blindness does **not** exist for SSI purposes 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**. PEM, Item 260, pp. 2-3.

Relevant federal regulations are found at 42 CFR Part 435. These regulations provide: "An SSA disability determination is binding on an agency until the determination is changed by the SSA." 42 CFR 435.541(a)(b)(i). These regulations further provide: "If the SSA determination is changed, the new determination is also binding on the agency." 42 CFR 435.541(a)(b)(ii).

As noted in the Findings of Fact, on June 17, 2010, the undersigned Administrative Law Judge received verification from the Social Security Administration with regards to claimant's SSI application filed the same month as the DHS application—November 27, 2009. Claimant received an unfavorable hearing decision from a Social Security Federal Administrative Law Judge.

Claimant's claim was considered by SSA and benefits denied. The determination was final. Claimant is alleging the same impairments. None of the exceptions apply.

For these reasons, under the above-cited policy and federal law, this Administrative Law Judge has no jurisdiction to proceed with a substantive review. The department's denial must be upheld.

As noted above, should the SSA change its determination, then the new determination would also be binding on the DHS.

In the alternative, should the sequential analysis be applied, the undersigned Administrative Law Judge would concur with the findings and conclusions of the SHRT decisions in finding claimant not disabled under federal law and state policy.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's determination in this matter is UPHELD.

/s/ \_\_\_\_\_  
Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 24, 2011

Date Mailed: June 24, 2011

**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 mailing date of the rehearing decision.

JGS/db

cc:

