

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201047552
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 November 17, 2010.

ISSUE

Was the denial of claimant's application for MA-P and SDA for lack of disability correct?

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 applied for MA-P and SDA on June 11, 2010.
- (2) On July 2, 2010, the Medical Review Team denied MA-P, retroactive MA-P, and SDA.
- (3) On July 30, 2010, claimant filed for hearing.
- (4) On August 17, 2010, the State Hearing Review Team denied MA-P, retroactive MA-P, and SDA.

- (5) On November 17, 2010, a hearing was held before the Administrative Law Judge.
- (6) On January 26, 2010, claimant applied for SSI through the Social Security Administration.
- (7) Claimant was denied SSI due to a negative disability determination on February 9, 2010.
- (8) Claimant did not appeal this determination.
- (9) Claimant's Medicaid application did not claim an additional impairment or a change or deterioration in her condition that the Social Security Administration had not made a determination on.

CONCLUSIONS OF LAW

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 Bridges Reference Manual (BRM).

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

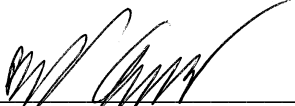
Department policy at BEM 260 states a claimant SSA's determination that disability or blindness does **not** exist for SSI is **final** for MA if the determination was made after 1/1/90, and no further appeals may be made at SSA or the client failed to file an appeal at any step. A determination may proceed however, if the claimant alleges a totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s) or change or deterioration in his/her condition that SSA has **not** made a determination on.

In the present case, the claimant was found by the Social Security Administration to be ineligible for RSDI and SSI benefits based upon disability. A SOLQ, Department Exhibit 4, was obtained to verify this information. Therefore, as the claimant has had a final determination of not disabled by the SSA, the Administrative Law Judge must find that that determination is final for the purposes of the MA-P and SDA programs. Therefore, the undersigned finds that the claimant does not meet the Department's definition of disabled for the purposes of MA-P and SDA programs.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is not medically disabled for the purposes of the MA and SDA programs.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/24/10

Date Mailed: 12/02/10

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.

RJC/dj

cc:

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