

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-51981
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: January 31, 2011
Wayne County DHS (82)

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 the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on Monday, January 31, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED] [REDACTED] [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") benefit program?

FINDINGS OF FACT

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

1. On April 21, 2010, the Claimant applied for SSI benefits. (Exhibit 6)
2. The Claimant submitted an application for public assistance seeking MA-P benefits on April 26, 2010.
3. On April 30, 2010, the Medical Review Team ("MRT") deferred the disability determination requesting a consultative examination. (Exhibit 1, p. 1)
4. On June 19, 2010, the Claimant attended the consultative evaluation. (Exhibit 1, pp. 6 – 12)

5. On June 29, 2010, the MRT found the Claimant not disabled. (Exhibit 1, pp. 1, 2)
6. The Department notified the Claimant of the MRT decision.
7. On August 24, 2010, the Department received the Claimant timely written request for hearing. (Exhibit 3)
8. The Social Security Administration (“SSA”) found the Claimant not disabled. (Exhibit 6)
9. The Claimant did not appeal the SSA determination.
10. The Claimant’s condition did not deteriorate nor was a new disabling impairment alleged.

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/SSI application. The SSA determination was for the same time period at issue and the denial was not appealed within 60 days. Since the date of the application, the Claimant was admitted to the hospital for 3 days due to left-side pain and weakness. In [REDACTED], the Claimant's treating physician listed the Claimant's condition as stable. These objective findings support the fact that the Claimant's physical condition has improved since her April admission and subsequent treatments. The Claimant was not asserting a "new" medical impairment(s). Ultimately, because the SSA decision was not appealed, it became binding on the Claimant's MA-P case. In light of the foregoing, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Claimant not disabled for purposes of the MA-P benefit program.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/3/2011

Date Mailed: 2/3/2011

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 receipt date of the rehearing decision.

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cc:

