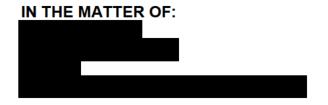
STATE OF MICHIGAN

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



Reg. No. 2011-33262

Issue No.: 2000

Case No.:

Hearing Date: July 14, 2011 Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant 's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thur sday, July 14, 2011. The Claimant appeared, along with appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department proper ly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and St ate Disability Assistance ("SDA") benefit programs?

FINDINGS OF FACT

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

- 1. The Claimant submitted an application for public assistance seeking MA-P and SDA benefits on October 5, 2010.
- 2. The Claimant applied for SSI benefits th rough the Social Security Administration ("SSA").
- On January 14, 2011, the SSA found the Claimant not disabled.
- 4. The Claimant did not appeal the SSA determination.

- 5. On March 29, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 1, 2.)
- 6. On April 6, 2011, the Department notified the Claimant of the MRT determination.
- 7. On May 3, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 2.)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is est ablished by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administer ed by the Department of Human Service se pursuant to MCL 400.10, et. seq. The Department of Human Services, formerly known as the F amily 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 Manu al ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("RFT").

The disability standard for both disability related MA and SSI is the same. BEM 260; 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 initia | I 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 de termination 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 found the Claimant not disabled on January 14, 2011. The Claimant has not alleged any new disabling impairment. The SSA determination was for the same time period at issue and the denial was not appealed within 60 days. 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.

The State Disability Assist ance program, which pr ovides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program purusant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are f ound in BAM , BEM, and BRM. A person i s considered disabled for SDA purposes if the person has a phys ical or menta I impairment which m eets federal SSI dis ability standards for at least ninety days. Receipt of SSI or RSDI benefit s based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

In this cas e, the Claimant is found not disabled for purposes of the MA-P program; therefore, the Claimant is found not disabled for purposes of SDA benefit program

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: July 19, 2011

Date Mailed: July 19, 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 Hear ings will not orde rarehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CMM/cl

