

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

**IN THE MATTER OF:**



Reg. No.: 2011-34559  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: August 17, 2011  
Macomb County DHS (20)

**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 telephone hearing was conducted from Detroit, Michigan on Wednesday, August 17, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department"). [REDACTED] observed the proceedings.

**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. The Claimant submitted an application for public assistance seeking MA-P benefits on February 10, 2011.
2. The Medical Review Team ("MRT") found the Claimant not disabled on March 29, 2011. (Exhibit 1, pp. 3, 4)
3. On April 4, 2011, the Department notified the Claimant of the MRT decision. (Exhibit 1 pp. 1, 2)

4. On May 10, 2011, the Department received the Claimant's timely written request for hearing.
5. On June 8, 2011, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 3)
6. In or around February 2011, the Social Security Administration ("SSA") found the Claimant not disabled.
7. The Claimant did not appeal the SSA determination.

### **CONCLUSIONS OF LAW**

The Medical Assistance 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.* and the Michigan Administrative Code Rules 400.3001-3015. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

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 s/he receives a denial notice to appeal a SSA action. BEM 260; BEM 271. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260. Once an SSA 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 in or around February 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.

**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: August 22, 2011

Date Mailed: August 22, 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.

CMM/cl

cc:

