

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-35257  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: August 25, 2011  
DHS County: Oakland (63-04)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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 August 25, 2011, in Pontiac, MI. Claimant appeared and testified via telephone. Claimant's representative, [REDACTED] appeared in person. The Department of Human Services (Department) was represented by [REDACTED].

**ISSUE**

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

**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 18, 2010, Claimant applied for MA-P and retro MA-P to September 2010.
2. On February 15, 2011, the Medical Review Team denied Claimant's request.
3. On May 19, 2011, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 52 years old.

6. Claimant completed education through the 6<sup>th</sup> grade. Claimant is not able to read or write.
7. Claimant has employment experience (last worked September 2010) as a dishwasher (for 2 months), in a steel factory, in a meat factory, general factory work, in a factory making pallets and as a house painter.
8. Claimant suffers from diabetes, neuropathy and is learning disabled.
9. On September 30, 2010, Claimant applied for Social Security benefits. His application was subsequently denied on December 29, 2010, and Claimant failed to appeal this determination.

### **CONCLUSIONS OF LAW**

MA-P 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 administers MA-P 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 (RFT).

The disability standard for both disability-related MA and SSI is the same. BEM 271. When the Social Security Administration (SSA) determines that a client is not disabled/blind for Supplemental Security Income (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 she or he receives a denial notice to appeal an 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'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 Claimant not disabled on December 29, 2010. 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 upon the above findings of fact and conclusions of law, decides that Claimant is not medically disabled.

Accordingly, the Department's decision is hereby UPHELD.



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**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 31, 2011

Date Mailed: August 31, 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.

JWO/pf

cc:

