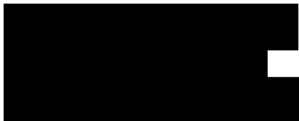


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-38641
Issue No.: 2027, 4031
Case No.: [REDACTED]
Hearing Date: August 1, 2011
DHS County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on August 1, 2011. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close his Medical Assistance (MA) and State Disability Assistance (SDA) when his SSI terminated?

FINDINGS OF FACT

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

1. In November, 2011, the Department began a redetermination of the claimant's MA and SDA.
2. The Department moved to close the claimant's MA and SDA because his SSI was closed.
3. On June 2, 2011, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) 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).

In the instant case, the claimant's SSI was closed and the Department moved to close his MA and SDA.

Pertinent policy states:

Final SSI Disability Determination

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 (see EXHIBIT II in this item), or

The client failed to file an appeal at any step within SSA's 60 day limit, and

The client is not claiming:

A totally different disabling condition than the condition SSA based its determination on, **or**

An additional impairment(s) or change or deterioration in his condition that SSA has not made a determination on.

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. (BEM 260, pp. 2-3).

Here, the Department cites the claimant's SSI termination as its reason for closing the claimant's MA and SDA. This Administrative Law Judge finds that the Department did correctly move to close the claimant's MA and SDA.


DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case

Michael
Administrative
for
Department

Date Signed: August 16, 2011

Date Mailed: August 16, 2011



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

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.

MJB/cl

cc:

