

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

IN THE MATTER OF:



Reg. No: 20111089

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 24, 2011

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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, a hearing was held on February 24, 2011.

ISSUE

Was the denial of claimant's application for MA-P for lack of disability correct?

FINDINGS OF FACT

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

- (1) Claimant applied for MA-P on July 19, 2010.
- (2) On July 26, 2010, the Medical Review Team denied MA-P.
- (3) On September 27, 2010, claimant filed for hearing.
- (4) On October 20, 2010, the State Hearing Review Team denied MA-P.
- (5) On February 24, 2011, a hearing was held before the Administrative Law Judge.

- (6) On September 13, 2010, claimant applied for SSI through the Social Security Administration.
- (7) Claimant was denied SSI due to a negative disability determination in December 2010.
- (8) Claimant did not appeal this determination.
- (9) Claimant's Medicaid application did not claim an additional impairment or a change or deterioration in their condition that the Social Security Administration had not made a determination on.

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 (DHS or Department) 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).

Department policy at BEM 260 states a claimant 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 or the client failed to file an appeal at any step. A determination may proceed however, if the claimant alleges a totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s) or change or deterioration in his/her condition that SSA has **not** made a determination on.

In the present case, the claimant was found by the Social Security Administration to be ineligible for RSDI and SSI benefits based upon disability. An SOLQ, Department

Exhibit 4, was obtained to verify this information. Therefore, as the claimant has had a final determination of not disabled by the SSA, the Administrative Law Judge must find that that determination is final for the purposes of the MA-P and SDA programs.

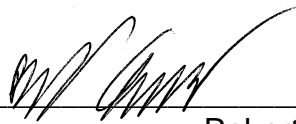
Therefore, the undersigned finds that the claimant does not meet the Department's definition of disabled for the purposes of MA-P and SDA programs.

As a side note, there was some confusion as to whether claimant could still appeal his SSI disability determination; while the SOLQ in this case showed a negative determination that had become final, no specific date of determination was given by the SOLQ. Should the claimant find himself able to secure an appeal on this negative SSA determination, the claimant should request a reconsideration and rehearing of this decision to preserve his rights for a full hearing as to his alleged impairments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is not medically disabled for the purposes of the MA and SDA programs.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 03/03/11

Date Mailed: 03/08/11

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.

RJC/dj

cc:

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