

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-11075
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: March 7, 2011
DHS County: Monroe

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

ORDER OF DISMISSAL

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 hearing was held in Monroe, Michigan, on Monday, March 7, 2011. The Claimant did not appear for the hearing; however, her Authorized Representative, [REDACTED] appeared and testified. The Claimant resides in [REDACTED] appeared on behalf of the Department of Human Services ("Department"). [REDACTED] mailed a copy of the Notice of Hearing to the Claimant's [REDACTED] address in February 2011.

The Medical Assistance ("MA") 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.* The Department, formerly known as the Family 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 Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

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 Social 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 of denial 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

2011-11075/CMM

blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271.

In this case, on August 20, 2010, the SSA issued an unfavorable decision. (Exhibit 1) As of February 12, 2011, the Claimant did not appeal this determination. (Exhibit 2) More than 60 days have lapsed since the decision; therefore, SSA's determination is a final determination that is binding on the State.

Accordingly, it is ORDERED:

The Claimant's Request(s) for hearing is (are) DISMISSED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 15, 2011

Date Mailed: March 17, 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/pf

cc:

