

**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.: 2011-3823
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: April 14, 2011
DHS County: Macomb (50-20)

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 hearing was held in Warren, Michigan on Thursday, April 14, 2011. The Claimant appeared along with his Authorized Representative, [REDACTED] [REDACTED] appeared on behalf of the Department of Human Services ("Department").

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 upon 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 October 21, 2008.
2. On August 23, 2010, the Medical Review Team ("MRT") found the Claimant not disabled for purposes of the MA-P and SDA benefit programs.
3. The Department notified the Claimant of the MRT decision.
4. On October 12, 2010, the Department received the Claimant's timely written request for hearing.

5. On November 12, 2010, the State Hearing Review Team (“SHRT”) found the Claimant disabled with a disability onset date of February 2010.
6. Subsequently, SSA found the Claimant disabled with a disability onset date of February 2010.
7. The Claimant did not appeal the SSA disability onset date.

CONCLUSIONS OF LAW

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, formerly known as the Family Independence Agency, 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”).

The disability standard for both disability-related MA and SSI is the same. BEM 271. When 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 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.

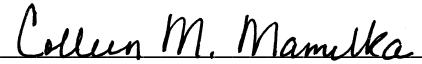
In the record presented, SSA determined that the Claimant was disabled effective February 2010. During the hearing, documentation was presented from SSA that showed a disability onset date of October 2008. Subsequently, it was discovered that SSA denied the October 2008 disability onset date. The onset date was not appealed and is, thus, a final determination. In light of the foregoing, it is found that the Claimant’s request for hearing for the period prior to February 2010 is dismissed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, dismisses the Claimant's Request for Hearing for the period prior to February 2010 based upon the final decision from SSA.

Accordingly, it is Ordered:

The Claimant's Request for Hearing for the period prior to February 2010 is DISMISSED.



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

Date Signed: April 20, 2011

Date Mailed: April 21, 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:

