

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

IN THE MATTER OF:



Reg. No.: 2011-51237
Issue No.: 2000, 4000
Case No.: [REDACTED]
Hearing Date: December 1, 2011
Wayne County DHS (57)

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 telephone hearing was conducted from Detroit, Michigan on Thursday, December 1, 2011. The Claimant appeared, along with [REDACTED] and testified. [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") and State Disability Assistance ("SDA") benefit program?

FINDINGS OF FACT

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

1. On August 31, 2009, the Social Security Administration ("SSA") found the Claimant disabled but ineligible for benefits based on his failure to follow prescribed treatment without a justifiable reason.
2. The Claimant appealed the SSA decision to the Appeals Council.
3. On December 15, 2009, the Medical Review Team ("MRT") found the Claimant disabled for purposes of the MA-P and SDA benefit program.

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4. On January 8, 2010, the Appeals Council affirmed the SSA's August 31, 2009 decision.
5. This decision was not appealed and, thus, became binding and final.
6. During the May 2011 medical review, the Department discovered the final SSA determination and pended the Claimant's case to close effective August 1st.
7. On July 15, 2011, the Department received the Claimant's written request for hearing and deleted the negative action pending this hearing.

CONCLUSIONS OF LAW

The Medical Assistance 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.* and the Michigan Administrative Code Rules 400.3001-3015. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The disability standard for both disability-related MA and SSI is the same. BEM 271. When the 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 s/he receives a denial notice to appeal a 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 the Claimant disabled but ineligible for benefits based on medication non-compliance without good cause. The Claimant timely appealed this decision to the Appeals Council. In the interim, the MRT found the Claimant disabled and activated coverage. In January 2010, the Appeals Council affirmed the August 31, 2009 decision. This decision was not appealed and, therefore, is a final determination which is binding on the Claimant's State case. The Claimant has not alleged any new disabling impairment and testified that his medical condition has not changed and that he was in stable condition. Ultimately, because the Appeals

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Council's 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.

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Claimant was not found disabled for purposes of the MA-P program; therefore, he is found not disabled for purposes of SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Claimant not disabled for purposes of the MA-P and SDA benefit programs.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



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

Date Signed: December 6, 2011

Date Mailed: December 6, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

