

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-24691
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: March 29, 2012
Wayne County DHS (41)

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 Detroit, Michigan on Thursday, March 29, 2012. 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 no longer disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

FINDINGS OF FACT

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

1. The Claimant was found disabled for purposes of the MA-P and SDA programs with a review date of December 2009. (Exhibit 1, pp. 39 – 42; 125 – 132)
2. The Department did not review the Claimant's case until 2011.
3. On January 24, 2011, the Social Security Administration ("SSA") issued an unfavorable determination finding the Claimant not disabled pursuant to a September 2005 application. (Exhibit 2)

4. On May 20, 2011, the SSA Appeals Council denied the Claimant's appeal of the SSA determination. (Exhibit 2)
5. On September 21, 2011, the SSA Appeals Council's determination was appealed to the U.S. District Court, Eastern District of Michigan.
6. On December 20, 2011, the Medical Review Team ("MRT") found the Claimant was no longer disabled. (Exhibit 1, pp. 2, 3)
7. On January 6, 2012, the Department sent a Notice of Case Action to the Claimant informing him of the MRT determination.
8. On January 11, 2012, the Department received the Claimant's timely written request for hearing.
9. On February 14, 2012, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 4)

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 of Human Services, 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 Tables ("RFT").

The disability standard for both disability related MA and Supplemental Security Income ("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. **A SSA determination becomes final when no further appeals may be made at SSA.** BEM 260. Once a SSA determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271.

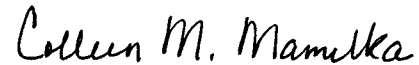
In this case, the Claimant testified that the SSA had issued an unfavorable determination which was appealed. Upon further review, it is found that the SSA determination became final when the Appeals Council issued the May 20, 2011 determination. At that point, no further appeals were available at the SSA level. Although a Motion for Summary Judgment was filed with the U.S. District Court, the final SSA determination became binding on the Claimant's MA case. In light of the foregoing, the Department's determination is AFFIRMED with no further analysis required.

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: April 11, 2012

Date Mailed: April 11, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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:

2012-24691/CMM

- 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

Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

