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

## IN THE MATTER OF THE CLAIM OF:



Reg No.: 2012-53215 Issue No.: 2009, 4031 Case No.: Hearing Date: August 27, 2012 St. Clair County DHS

### ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

## **HEARING DECISION**

This matter is before the undersigned Administ rative 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 Port Huron, Michigan on Monday, August 27, 2012. T he Claimant appeared and testified. The Claimant was represented by for a matter of Legal Services of Eastern Michigan. Participating on behalf of the Department of Human Services ("Department") was

### ISSUE

Whether the Department proper ly 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 on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. The Claimant submitt ed an application for public assistance seeking MA-P benefits on August 31, 2011.
- 2. On March 27, 2012, the A ppeals C ouncil upheld the Social Security Administration's determination that the Claimant was not disabled.
- 3. The Medical Review Team ("MRT") found the Claimant not di sabled on May 1, 2012.
- 4. The Department notified the Claimant of the MRT decision on May 4, 2012.

- 5. On May 15, 2012, the Department received the Claimant's timely written request for hearing.
- 6. On July 4, 2012, the State Hearing Review Team ("SHRT") found the Claimant not disabled based on the final determination from the Appeals Council.

### 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.* The Department of Human Services, formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq.* and Mich Admin Code, Rules 400.3001-3015. De partmental policies are found in the Bridges Administrative Manu al ("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, p. 1 (May 2010). When the SSA determines that a cli ent is not disab led/blind for SSI purposes, the client may appea I that determination at SSA. BEM 260 p. 9 (January 2010). 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, p. 9 (January 2010). The client has 60 days from the date he receives a denial notice to appeal an SSA action. BE M 261, p. 9 (January 2010); BEM 271, p. 7 (May 2010). An SSA determination bec omes final when no f urther appeals may be made at SSA. BEM 260, p. 3 (January 2010); BEM 271 p. 8 (May 2010). Once an SSA determination that a disabilit y or blindness does not exist becom es final, the MA case must be closed. BEM 260, p. 2-3; BEM 271, p. 8-9 (May 2010)

In the record presented, the S SA found t he Claimant not disabled from which the Claimant appealed. On March 27, 2012, the Appeals Council upheld the determination that the Claimant was not disabled. This final determination covered the same period at issue in th is case. In light of the foregoing, the SSA decis ion is bindin g on the Claimant's MA-P case. In light of the foregoing, the Department's determination is AFFIRMED.

The State Disability Assist ance program, which pr ovides financial assistance for disabled persons, was established by 2004 PA 344. The Depa rtment administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 –

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400.3180. Department policie s are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a phys ical or menta I impairment which m eets federal SSI dis ability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefit s based on disab ility or blindness automatically qua lifies an individua I as disab led for purposes of the SDA program.

In this case, the Claimant was f ound not disabled by the SSA which is binding on the Claimant's MA-P case covering the same period. Based on the foregoing, the Claimant is also found not disabled for purposes of the SDA benefit program based on this same determination from the SSA.

### 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.

Collein M. Mamilka

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

Date Signed: September 7, 2012

Date Mailed: September 7, 2012

**NOTICE:** Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

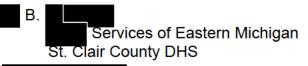
Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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

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SHRT C. Mamelka