

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.: 2012-55941
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: September 10, 2012
St. Clair County DHS

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 Port Huron, Michigan on Monday, September 10, 2012. The Claimant appeared, along with [REDACTED] and [REDACTED], and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

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 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 an ongoing MA and SDA recipient.
2. On review, the Department discovered that the Social Security Administration ("SSA") issued a final determination that the Claimant was not disabled. (Exhibits 1, 2).
3. On May 23, 2012, the Department sent a Notice of Case Action to the Claimant informing her that she was no longer entitled to MA-P and SDA benefits based on the final SSA determination effective July 1, 2012. (Exhibit 3)

4. On May 29, 2012, the Department received the Claimant's written request for 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.* 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. 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 p. 1, (May 2010). When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260, p. 9 (October 2011). 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 (October 2011). The client has 60 days from the date he receives a denial notice to appeal an SSA action. BEM 260 (2011), p. 9; BEM 271 (2012), p. 7. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260, p. 3; BEM 271, p. 9, 10. Once an SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, p. 3; BEM 271, p. 8, 9.

In the record presented, the Claimant filed an application with the SSA on April 19, 2010, alleging a disability onset date of [REDACTED]. The SSA found the Claimant not disabled from which the Claimant appealed. On December 14, 2011, the SSA affirmed its original determination. There is no further appeal available at the SSA with respect to the April 19, 2010 application. In light of the final SSA determination, the Department established it acted in accordance with policy when it closed the Claimant's MA-P and SDA benefits. Accordingly, 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.

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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 is found not disabled for purposes of the MA-P program; therefore, she 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 Department acted in accordance with Department policy when it terminated the Claimant's MA-P and SDA benefits based on the final determination of "not disabled" by the SSA.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: September 25, 2012

Date Mailed: September 25, 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)

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

CMM/cl

cc:

[REDACTED]

St. Clair County DHS

[REDACTED]

C.

Mamelka