

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-32742
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: May 10, 2012
County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on May 10, 2012, at the Department of Human Services office for Wayne County, Michigan, District 31. Claimant was represented at hearing by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the denial of claimant's application for Medical Assistance (MA-P) and SDA program benefits for lack of disability correct?

FINDINGS OF FACT

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

1. Claimant applied for MA-P and SDA on September 20, 2010.
2. On October 14, 2011, the Medical Review Team denied MA-P and SDA.
3. On November 16, 2011, claimant was sent a notice of case action.
4. On February 8, 2012, claimant filed for hearing.
5. On March 22, 2012, the State Hearing Review Team (SHRT) denied MA-P and SDA.

6. On May 10, 2012, a hearing was held before the Administrative Law Judge.
7. On October 20, 2010, claimant applied for SSI through the Social Security Administration (SSA).
8. Claimant was denied SSI due to a negative disability determination by an ALJ.
9. According to claimant testimony, claimant had a hearing in which she was denied SSI, and the submitted SOLQ did not refute her testimony.
10. Claimant was allowed a chance to rebut the presumption of a final disability determination by the SSA, but did not turn in any documents showing that her case was currently still in appeal.
11. Claimant's Medicaid application did not claim an additional impairment or a change or deterioration in her condition that the SSA had not made a determination on.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA program 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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (Department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and BRM.

Department policy at BEM 260 states a claimant's SSA determination that disability or blindness does **not** exist for SSI is **final** for MA if the determination was made after 1/1/90, and no further appeals may be made at SSA or the client failed to file an appeal at any step. A determination may proceed, however, if the claimant alleges a totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s) or change or deterioration in his/her condition that SSA has **not** made a determination on.

In the present case, claimant was found by the SSA to be ineligible for RSDI and SSI benefits based upon disability. Claimant testified to this information, and the undersigned is satisfied as to claimant's credibility in this matter.

Furthermore, claimant's SOLQ (Department Exhibit 4) does not show a pending appeal. Claimant was offered a chance to present rebuttal evidence, but no such evidence was presented. Therefore, the undersigned must presume that claimant has no further

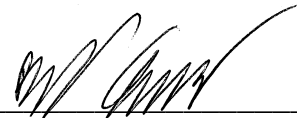
appeals remaining at the SSA. Therefore, as claimant has had a final determination of not disabled by the SSA, the Administrative Law Judge must find that that determination is final for the purposes of the MA-P programs. Therefore, the undersigned finds that claimant does not meet the Department's definition of disabled for the purposes of MA-P programs.

Furthermore, as claimant fails to meet the disability standards for the SSI program, claimant fails to meet the disability standards for the SDA program as well. The undersigned has considered whether claimant was disabled for a period of 90 days or more, and decides that claimant does not meet those standards.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant is not medically disabled for the purposes of the MA programs.

Accordingly, the Department's decision in the above-stated matter is, hereby, **AFFIRMED**.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 12, 2012

Date Mailed: October 12, 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:

- 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:

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- 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

RJC/pf

cc:

