

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

IN THE MATTER OF:



Reg. No: 201271311
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: September 27, 2012
Hillsdale County DHS

ADMINISTRATIVE LAW JUDGE: ALJ Name

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

ISSUE

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) beginning September 1, 2012?

Did the Department of Human Services properly close Claimant's State Disability Assistance (SDA) beginning September 1, 2012?

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 was an ongoing recipient of Medical Assistance (MA) and State Disability Assistance (SDA). Claimant's eligibility was due for review.
2. On March 13, 2012, the Social Security Administration issued an unfavorable opinion regarding Claimant's appeal of their denial of disability benefits for her.
3. On May 12, 2012, the Social Security Administration's determination that Claimant was not disabled became final because Claimant had not submitted an appeal to the Social Security Administration Appeals Council.

4. On August 1, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) and State Disability Assistance (SDA) would end on September 1, 2012.
5. On August 21, 2012, Claimant submitted a request for hearing.

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 of Human Services (DHS or 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 Program Reference Manual (PRM).

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Claimant does not dispute her status with the Social Security Administration. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 260 MA DISABILITY/BLINDNESS DEPARTMENT POLICY MA Only

This item explains the MA disability and blindness factors.

EXHIBIT I in this item contains definitions of disability, substantial gainful activity and blindness.

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested.

DISABILITY/BLINDNESS DETERMINATIONS AND REFERRALS Final SSI Disability Determination

SSA's 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; see EXHIBIT II in this item, **or**

- The client failed to file an appeal at any step within SSA's 60 day Limit.

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) beginning September 1, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/
ALJ Name
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 8, 2012

Date Mailed: October 8, 2012

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.

GFH/tb

cc:

