

**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.: 2012-72011
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: December 6, 2012
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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, an in-person hearing was conducted in Pontiac, Michigan on December 6, 2012. The Claimant appeared and testified. [REDACTED] appeared and testified as a witness for the Claimant. [REDACTED] the Claimant's Authorized Hearing Representative, also appeared. Participating on behalf of the Department of Human Services ("Department") was [REDACTED], Assistance Payments Worker.

ISSUE

Whether the Department properly 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 the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for Medical Assistance MA-P on April 16, 2012.
2. The SSA found the Claimant not disabled on August 22, 2012. The Notice of Disapproved Claim provided that without medical evidence showing the nature and extent of your impairment, we are unable to evaluate your condition to determine whether it prevents you from doing substantial gainful work. Therefore we are unable to find you disabled within the meaning of the law. Claimant Exhibit 1.

3. The Claimant did not appeal the August 22, 2012 SSA decision.
4. On June 18, 2012, the Medical Review Team (“MRT”) found the Claimant not disabled. (Exhibit 1)
5. The Department notified the Claimant of the MRT decision on June 20, 2012.
6. On August 14, 2012 the Department received the Claimant’s timely written request for hearing.
7. On October 2, 2012, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 2)

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 Michigan 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, (2012), p. 1. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260 (2011), p. 9. 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. The client has 60 days from the date (s)he receives a denial notice to appeal an SSA action. BEM 260, p. 3, 9; BEM 271, p. 7. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260, 3. 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.

In the record presented, the SSA found the Claimant not disabled. The Claimant did not appeal this determination. As such, the denial is a final determination. The Claimant has not alleged a new disabling impairment. At the hearing the Claimant alleged the

2012 72011/LMF


same impairments considered by the SSA involving mental impairments including major depression, anxiety and panic attacks. In light of the foregoing, the final SSA determination is binding on the Claimant's MA-P case. Accordingly, the Department's determination denying the Claimant's September 29, 2011 application for MA-P is AFFIRMED.

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 benefit program.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 5, 2013

Date Mailed: February 5, 2013

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.

2012 72011/LMF

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

LMF/cl

cc:

