

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

IN THE MATTER OF:



Reg. No.: 2011-4464
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: March 28, 2011
County: Oakland (63-04)

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 March 28, 2011, at the Department of Human Services (Department) office in Oakland County, Michigan, District 04. Claimant was represented at hearing by [REDACTED].

ISSUE

Was the denial of claimant's application for Medical Assistance (MA-P) 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 on April 1, 2010.
2. On August 5, 2010, the Medical Review Team denied MA-P.
3. On August 10, 2010, claimant was sent a notice of case action.
4. On October 12, 2010, claimant filed for hearing.
5. On November 16, 2010, the State Hearing Review Team (SHRT) denied MA-P.
6. On March 28, 2011, a hearing was held before the Administrative Law Judge.

7. Claimant applied for SSI on the basis of disability on October 18, 2010.
8. Claimant received a final negative decision, which was not appealed, as indicated by claimant's reapplication for SSI benefits on September 28, 2012.
9. Claimant's current SSI pay status was effective as of July 1, 2012.
10. Claimant's Medicaid application did not claim an additional impairment or a change or deterioration in her condition that the Social Security Administration (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's previous and current SOLQ show that claimant was found by the SSA to be ineligible for SSI benefits based upon disability. During the hearing, claimant testified she had applied for SSI disability in October 2010. At that time, no decision had been made.

An SOLQ obtained at the time verified the application, but showed no decision had been made. An SOLQ ran at the time of this writing showed that claimant had filed a new SSI application, alleging a new onset date, on September 28, 2012. Furthermore, claimant had been listed as having a current pay status effective date as July 1, 2012, which would indicate that claimant's most current payment status—not disabled as capable of doing other work—was established in July 2012.

Claimant would have no reason to file a new SSI application if her previous application was approved, still under appeal, or pending. A new application would be needed only

for a denial. Therefore, we can infer that claimant's previous SSI application was denied and not appealed, or denied, appealed, and denied again with no further appeals remaining. Either scenario would constitute a final disability determination. Claimant's current pay status effective date of July 1, 2012, and the current payment status code of N32, would indicate that a final disability determination of capable of substantial gainful work was made in July 2012.

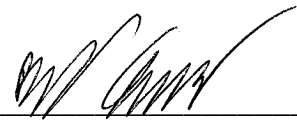
Claimant's application for MA benefits was in April 2010. Claimant had alleged a disability onset date of 1999. Therefore, claimant's SSI disability application covers all relevant time periods with regard to claimant's MA application.

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 the claimant does not meet the Department's definition of disabled for the purposes of MA-P programs.

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: February 7, 2013

Date Mailed: February 7, 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.

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

RJC/pf

cc:

