

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

IN THE MATTER OF:

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██████████████████

Reg. No.: 201346680
Issue No.: 2009
Case No.: ██████████
Hearing Date: October 16, 2013
County: Wayne (57)

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 telephone hearing was held on October 16, 2013 at the Department of Human Services office in Wayne County, Michigan, District 57.

ISSUE

Was the denial of claimant's application for MA-P 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 November 1, 2012.
- (2) On February 5, 2013, the Medical Review Team denied MA-P.
- (3) On February 11, 2013, claimant was sent a notice of case action.
- (4) On April 17, 2013, claimant filed for hearing.
- (5) On July 24, 2013 the State Hearing Review Team denied MA-P.
- (6) On October 16, 2013, a hearing was held before the Administrative Law Judge.

- (7) On March 1, 2013, Claimant was denied SSI due to a negative disability determination by the Social Security Administration.
- (8) Claimant did not appeal this determination.
- (9) Claimant's Medicaid application did not claim an additional impairment or a change or deterioration in their condition that the Social Security Administration had not made a determination on.

CONCLUSIONS OF LAW

MA-P 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 MA-P 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 Tables (RFT).

The SDA program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The 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 RFT.


Department policy at BEM 260 states a claimant 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 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, the claimant was found by the Social Security Administration to be ineligible for SSI benefits based upon disability. Claimant testified to this information, and the undersigned is satisfied as to claimant's credibility. Claimant applied for SSI on October 1, 2012, and was denied SSI on March 1, 2013. Claimant did not appeal that determination, and the time limit for an appeal has passed, making such a determination final. Therefore, as the 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 the 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: November 7, 2013

Date Mailed: November 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/cl

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