

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

**IN THE MATTER OF THE CLAIM OF:**

████████████████████  
████████████████████  
████████████████████

Reg No.: 2013-48892  
Issue No.: 2009, 4031  
Case No.: ██████████  
Hearing Date: November 6, 2013  
Oakland County DHS (03)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and ██████████ his Authorized Hearing Representative and a witness. Participants on behalf of the Department of Human Services (Department) included ██████████, ES.

**ISSUE**

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

**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 Supplemental Security Income ("SSI").
2. The SSA found the Claimant not disabled on March 13, 2013.
3. The Claimant did not appeal the SSA March 13, 2013 Decision.

4. The Claimant submitted an application for public assistance seeking MA-P and SDA benefits on December 14, 2012.
5. On March 19, 2013, the Medical Review Team (“MRT”) found the Claimant not disabled.
6. The Department notified the Claimant of the MRT decision on May 20, 2013.
7. On May 20, 2013, the Department received the Claimant’s timely written request for hearing.
8. At the hearing the Claimant and his Authorized Hearing Representative indicated that no appeal of the SSA determination was made.
9. On August 5, 2013, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

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, pp. 9, (10-1-11). 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 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, 4. 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.

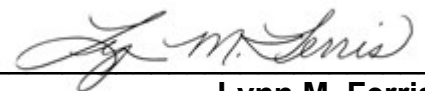
In the record presented, the SSA found the Claimant not disabled. As such, the original denial is a final determination. The Claimant has not alleged a new disabling impairment. In light of the foregoing, the final SSA determination is binding on the Claimant's MA-P case. Accordingly, the Department's determination is AFFIRMED. In this case, the Claimant is found not disabled for purposes of the MA-P program; therefore, he is found also not disabled for purposes of SDA benefit program.

**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 or SDA benefit programs.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



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

Date Signed: November 21, 2013

Date Mailed: November 21, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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.

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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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

LMF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]