

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201362890  
Issue No.: 2009; 4031  
Case No.: [REDACTED]  
Hearing Date: December 18, 2013  
County: Macomb County DHS #12

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 December 18, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

**ISSUE**

Did the Department of Human Services (Department) properly determine that the Claimant did not meet the disability standard for Medical Assistance (MA-P) based on disability and State Disability Assistance (SDA)?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On November 30, 2012, the Department conducted a routine review of the Claimant's eligibility to receive ongoing Medical Assistance (M.A.) based on disability and State Disability Assistance (SDA) benefits.
2. On June 11, 2013, the Medical Review Team (MRT) denied continued benefits based on disability.
3. On August 2, 2013, the Department notified the Claimant that it would close Medical Assistance (M.A.) and State Disability Assistance (SDA) benefits as of September 1, 2013.
4. On August 9, 2013, the Department received the Claimant's request for a hearing protesting the denial of disability benefits.
5. On October 13, 2013, the State Hearing Review Team (SHRT) upheld the Medical Review Team's (MRT) denial of Medical Assistance (MA-P) and State Disability Assistance (SDA) benefits.

6. The Claimant has been denied Supplemental Security Income (SSI) by the Social Security Administration (SSA); on May 10, 2013, the Claimant received a final determination by SSA.
7. The Claimant is a 39-year old woman standing 5' 5" tall and weighing 168 pounds.
8. The Claimant received a high school equivalent education
9. The Claimant has a driver's license and can drive an automobile.
10. Claimant is not currently working.
11. The Claimant has past relevant work experience as a mailroom worker.
12. Claimant alleges disability on the basis of fibromyalgia, bilateral carpal tunnel syndrome, bilateral shoulder impingement, migraine headaches, cervical and lumbar radiculopathy, pinched nerves, sacrolitis, sleep apnea, major depression, and post-traumatic stress disorder.

### **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 is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Prior to any substantive review, jurisdiction is paramount. Applicable to the case herein, policy states:

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, and
- The client is not claiming:

- A totally different disabling condition than the condition SSA based its determination on, or
- An additional impairment(s) or change or deterioration in his condition that SSA has not made a determination on.

Eligibility for MA based on disability or blindness does not exist once the SSA's determination is final. Department of Human Services Bridge s Eligibility Manual (BEM) 260 (July 1, 2013), p 3.

Relevant federal regulations are found at 42 CFR Part 435. These regulations provide: "An SSA disability determination is binding on an agency until the determination is changed by the SSA." 42 CFR 435.541(a)(b)(i). These regulations further provide: "If the SSA determination is changed, the new determination is also binding on the agency." 42 CFR 435.541(a)(b)(ii).

In this case, the Department established that the Claimant's appeal of the denial of Supplemental Security Income (SSI) benefits by the Social Security Administration (SSA) received a final determination by the Appeals Council on May 10, 2013. Based on the evidence and testimony available during the hearing, the Claimant is alleging the same impairments and none of the exceptions listed in BEM 260 apply.

For these reasons, under the above-cited policy and federal law, this Administrative Law Judge has no jurisdiction to proceed with a substantive review. The Department's denial must be upheld.

As noted above, should the SSA change its determination, then the new determination would also be binding on the Department.

The Claimant is eligible to reapply for Medical Assistance (M.A.) and/or State Disability Assistance (SDA) benefits at any time.

### **DECISION AND ORDER**

Accordingly, the Department's determination is **AFFIRMED**.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: January 3, 2014

Date Mailed: January 3, 2014

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. 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

KS/hj

cc:

