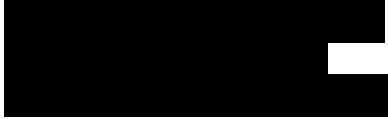


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201363663
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: December 3, 2013
County: Kent

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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, an in-person hearing was held on December 3, 2013 in Grand Rapids, Michigan. Participants on behalf of Claimant included [REDACTED] ([REDACTED]), Attorney from [REDACTED], [REDACTED] (Claimant) and [REDACTED] (Claimant's spouse). Participants on behalf of the Department of Human Services (Department) included [REDACTED] ([REDACTED]), Assistant Attorney General (AAG), [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA-P), Retro MA 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 April 11, 2013, Claimant filed an application for MA and SDA alleging disability. Claimant requested MA retro months from January, 2013 through March, 2013.
2. Claimant applied for disability with the Social Security Administration (SSA) in the spring of 2013.

3. The Medical Review Team (MRT) found Claimant not disabled for purposes of MA-P, but approved SDA on July 15, 2013. (Exhibit A, pp 8 & 9).
4. On July 23, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which notified Claimant that her MA-P application was denied.¹ (Exhibit A, pp 5-7).
5. The Social Security Administration (SSA) found Claimant not disabled.
6. On August 5, 2013, Claimant filed a request for a hearing to contest the Department's action.
7. On October 3, 2013, the State Hearing Review Team (SHRT) found Claimant not disabled for MA-P and retro MA-P but acknowledged that the MRT approved Claimant's application for SDA benefits. (Exhibit B, pp 302 & 303).
8. Claimant did not appeal the SSA determination.
9. A hearing was held on December 3, 2013.

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 of Human Services (DHS or 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 Program Reference Manual (PRM).

The disability standard for both disability-related MA and SSI is the same. BEM 271, p. 1, (July 2013). The 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 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**

¹ The DHS-1605 provided in the hearing packet did not mention SDA.

- An additional impairment(s) or change or deterioration in his condition that SSA has **not** made a determination on. BEM 260, p. 3, (July 2013).

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. BEM 260, p. 3, (July 2013).

When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260, p. 11, (July 2013). 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. 11, (July 2013).

BEM 260, p. 9. The client has 60 days from the date she receives a denial notice to appeal an SSA action. BEM 260, p. 11; BEM 271, p. 7. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260, p. 3 (July 2013). 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, (July 2013).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the instant matter, the MRT approved Claimant's April 11, 2013 application for SDA benefits on July 15, 2013. However, with regard to MA-P and Retro MA-P, Claimant testified during the hearing that she applied for disability benefits with the SSA in the spring of 2013. Claimant also stated that the SSA denied her disability application and that she elected not to appeal the decision. The evidence shows that Claimant did not appeal the decision and more than 60 days have lapsed since the determination. Claimant has not alleged a new disabling impairment. In light of the foregoing, the final SSA determination is binding on Claimant's MA-P case. Accordingly, the Department's MA-P determination is correct.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds Claimant is not disabled for purposes of the MA-P benefit program.

The Department's MA-P determination is **AFFIRMED**.

Because the MRT found that Claimant was entitled to SDA, the Department shall provide Claimant with SDA benefits pursuant to applicable policies.

IT IS SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 14, 2014

Date Mailed: January 14, 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

201363663/CAP

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

CAP/aca

cc:

