

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201365372
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: January 21, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Medical Contact Worker.

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance program (MA-P)?

FINDINGS OF FACT

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

1. On [REDACTED] 2013, Claimant submitted an application for public assistance seeking MA-P benefits retroactive to [REDACTED] 2013.
2. On [REDACTED], 2013, the Medical Review Team (MRT) found Claimant not disabled. (Exhibit 1, pp. 2-3)
3. On [REDACTED], 2013, the Department notified Claimant of the MRT determination. (Exhibit 1, pp. 23-24)

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4. On [REDACTED], 2013, the Department received Claimant's timely written request for hearing. (Exhibit 1, pp. 25-26)
5. On [REDACTED], 2013, the Social Security Administration (SSA) sent Claimant a letter denying his application for Social Security benefits after finding that he was not disabled.
6. On [REDACTED], 2013, the State Hearing Review Team (SHRT) found Claimant not disabled. (Exhibit 2)
7. Claimant did not file an appeal of the SSA decision within 60 days of the [REDACTED], 2013 unfavorable decision.

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 the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Bridges Reference Tables (RFT).

Disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. 20 CFR 416.905(a). A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (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.

Individuals seeking disability-related MA must apply with SSA for Supplemental Security Income (SSI) or Retirement Survivors and Disability Income (RSDI) benefits. BEM 270 (October 2013), pp 2-3. If a client is denied SSI (or disability-based RSDI) by an SSA

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administrative law judge based on the judge's finding that the client is not disabled, the client must request an appeals council review within 60 days of the administrative law judge's SSI hearing decision date. BEM 271 (July 2013), pp. 8-9. Once SSA's determination that disability or blindness does not exist for SSI is final, the Department must close the client's MA case if the following conditions are established: (i) the determination was made after 1/1/90, **and** (ii) either 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** (iii) the client is **not** claiming either a totally different disabling condition than the condition SSA based its determination on, or an additional impairment(s), change, or deterioration in his/her condition that SSA has reviewed and made a determination on yet. BEM 271, p. 10.

In this case, Claimant acknowledged that, as of the hearing date, he had not filed a request for a review by the SSA appeals council of the unfavorable [REDACTED], 2013 decision denying his disability claim. Therefore, the 60-day period in which Claimant could file an appeal had lapsed. The Single Online Query (SOLQ) report run by the Department confirmed that no appeal had been filed. Claimant further acknowledged at the hearing that the disability he alleged in his SSA application was the same disability alleged in his MA-P application. Based on the facts presented, SSA's decision that Claimant was not disabled was final and is binding on the Department.

DECISION AND ORDER

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

Accordingly, It is ORDERED that the Department's determination is AFFIRMED.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 3, 2014

Date Mailed: February 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

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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

ACE/tlf

cc:

