

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

**IN THE MATTER OF:**

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

Reg. No.: 2013-62639  
Issue No.: 2009  
Case No. ██████████  
Hearing Date: December 2, 2013  
County: Macomb (12)

**ADMINISTRATIVE LAW JUDGE: Susan C. Burke**

**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 hearing was conducted in Clinton Township, Michigan on December 2, 2013. Claimant appeared and testified. Claimant's Authorized Hearing Representatives, ██████████ and ██████████, of ██████████, were also present. ██████████, ES, appeared on behalf of the Department of Human Services (Department).

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was not submitted in accordance with the Interim Order of December 4, 2013. This matter is now before the undersigned for a final decision.

**ISSUE**

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance (MA) benefit program.

**FINDINGS OF FACT**

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

1. Claimant submitted an application for public assistance seeking MA benefits on March 28, 2013.

2. On May 6, 2013, the Medical Review Team (MRT) determined that Claimant was not disabled.
3. The Department notified Claimant of the MRT determination on May 9, 2013.
4. On August 7, 2013, the Department received Claimant's timely request for hearing.
5. On September 17, 2013, the Social Security Administration (SSA) found Claimant not disabled. (Exhibit 4)
6. On September 19, 2013, the State Hearing Review Team found Claimant not disabled.
7. During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was not submitted to this Administrative Law Judge pursuant to an Interim Order dated December 4, 2013.
8. Claimant did not appeal the SSA determination.

### **CONCLUSIONS OF LAW**

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services, formerly known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and Mich Admin Code, Rules 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The disability standard for both disability-related MA and SSI is the same. BEM 271, 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, p. 9 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 Once an

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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

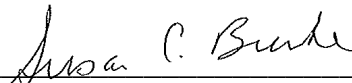
In the record presented, the SSA found Claimant not disabled. Claimant did not appeal the decision and more than 60 days have lapsed since the determination. Claimant has not alleged a new disabling impairment. BEM 260, p. 3 In light of the foregoing, the final SSA determination is binding on Claimant's MA case. Accordingly, the Department's determination is AFFIRMED.

### **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 benefit program.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

  
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**Susan C. Burke**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: January 14, 2014

Date Mailed: January 16, 2014

**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:

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- 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

SCB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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