

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-3190
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 19, 2014
County: Kalkaska

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 February 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance (MA) and/or 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. On November 28, 2008, Claimant submitted an application to the Social Security Administration for Supplemental Security Income (SSI) disability benefits.
2. On November 5, 2009, Claimant submitted an application to the Michigan Department of Human Services for Medical Assistance (MA) based on disability.
3. On February 8, 2010, the Medical Review Team denied Claimant's November 5, 2009 Medical Assistance (MA) application.

4. On July 16, 2010, Claimant submitted another application to the Michigan Department of Human Services for Medical Assistance (MA) based on disability and State Disability Assistance (SDA).
5. On September 3, 2010, the Medical Review Team approved Claimant's July 16, 2010 application. Her case was set for medical review in September 2013.
6. On January 12, 2012, Federal Administrative Law Judge Inouye issued a decision that Claimant had not been disabled since November 28, 2008.
7. On February 6, 2013, Claimant submitted another application to the Social Security Administration for Supplemental Security Income (SSI) disability benefits.
8. On May 20, 2013, the Social Security Administration Appeals Council denied review of Administrative Law Judge Inouye's January 12, 2012 decision. The January 12, 2012 decision became final.
9. On September 16, 2013, the Medical Review Team reviewed Claimant's medical condition and determined Claimant no longer met the disability standard for Medical Assistance (MA) based on disability.
10. On September 18, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Medical Assistance (MA) and State Disability Assistance (SDA) benefits would end on October 1, 2013.
11. On October 1, 2013, Claimant submitted a request for hearing regarding closure of her Medical Assistance (MA) and State Disability Assistance (SDA) benefits on October 1, 2013.
12. On October 4, 2013, Federal Administrative Law Judge Kendra Kleber issued a decision that Claimant had not been disabled since February 6, 2013.
13. On November 26, 2013, the State Hearing Review Team determined Claimant did not meet the disability standard for Medical Assistance (MA) based on disability.

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 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.

In this case, Claimant was an ongoing recipient of Medical Assistance (MA) based on disability and State Disability Assistance (SDA) based on the Medical Review Team's decision about her July 16, 2010 application. The Medical Review Team set Claimant's eligibility for a September 2013 medical review.

On January 12, 2012, Federal Administrative Law Judge Inouye determined that Claimant had not been disabled since November 28, 2008 and was not eligible for Supplemental Security Income (SSI) disability benefits. Claimant's Medical Assistance (MA) based on disability and State Disability Assistance (SDA) cases were properly left open because Claimant appealed the Social Security Administration determination.

On May 20, 2013, the Social Security Administration Appeals Council denied review of Administrative Law Judge Inouye's January 12, 2012 decision. That action was a final determination that Claimant had not been disabled since November 28, 2008 and was not eligible for Supplemental Security Income (SSI) disability benefits. Beginning May 20, 2013, Claimant was not eligible for Medical Assistance (MA) based on disability and State Disability Assistance (SDA). Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) cases should have been closed in accordance with Department of Human Services Bridges Eligibility Manual (BEM) 260 MA Disability/Blindness (2013) under Final SSI Disability Determination on page 3.

Claimant's July 16, 2010 Medical Assistance (MA) application was based on the same medical conditions as her November 28, 2008 Supplemental Security Income (SSI) application. Claimant submitted another Supplemental Security Income (SSI) application on February 6, 2013, before receiving a decision from the January 12, 2012 hearing about her November 28, 2008 Supplemental Security Income (SSI) application.

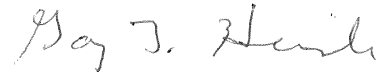
The Department subsequently erred in leaving Claimant's Medical Assistance (MA) and State Disability Assistance (SDA) cases open and conducting a medical review of the cases. However, the Department's error does not change the fact that Claimant was no longer eligible for Medical Assistance (MA) based on disability or State Disability Assistance (SDA) due to the Social Security Administration's final determination that Claimant had not been disabled since November 28, 2008 and was not eligible for Supplemental Security Income (SSI) disability benefits.

Claimant's ineligibility does negate the need to conduct a medical review decision in order to decide that Claimant was no longer eligible for Medical Assistance (MA) based on disability or State Disability Assistance (SDA).

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds Claimant is not eligible for Medical Assistance (MA) based on disability or State Disability Assistance (SDA).

DECISION AND ORDER

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



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 13, 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:

2014-3190/GFH

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

GFH/nk

cc:

