

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

IN THE MATTER OF:



Reg. No.: 2014-31172
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: July 15, 2014
County: Ogemaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 July 15, 2014, at the Ogemaw County Department of Human Services (Department) office. Claimant, represented by [REDACTED] of [REDACTED] personally appeared and testified. Participants on behalf of the Department included Eligibility Specialist [REDACTED]

ISSUE

Whether the Department properly denied Claimant's application for Medical Assistance (MA-P) and Retro-MA?

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 18, 2013, Claimant filed an application for MA/Retro-MA benefits alleging disability.
- (2) On December 9, 2013, the Medical Review Team (MRT) denied Claimant's application for MA-P/Retro-MA, based on lack of duration. (Dept Ex. A, pp 1-2).
- (3) On December 13, 2013, the Department sent Claimant notice that his application was denied.
- (4) On March 4, 2014, Claimant filed a request for a hearing to contest the Department's negative action.

- (5) On May 20, 2014, the State Hearing Review Team (SHRT) found Claimant was not disabled. (Dept Ex. B).
- (6) Claimant has a history of blood clots and back pain.
- (7) Claimant is a 42 year old man whose birthday is [REDACTED].
- (8) Claimant is 6'1" tall and weighs over 170 lbs.
- (9) Claimant has a eleventh grade education.
- (10) Claimant had been denied Social Security disability benefits in June, 2013, and had not appealed.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, (DHS or department), 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 Reference Tables Manual (RFT).

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; 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. 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 he 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).

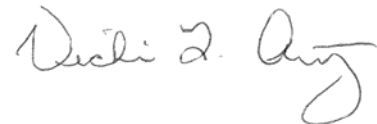
In the instant matter, the SSA found Claimant not disabled in June, 2013. Claimant did not appeal the decision and more than 60 days have lapsed since the determination. Claimant has not alleged a new disabling impairment. In light of the foregoing, the final SSA determination is binding on Claimant's 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 determination is **AFFIRMED**.

IT IS SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 22, 2014

Date Mailed: July 22, 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

VLA/las

cc:

