

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

IN THE MATTER OF THE CLAIM OF:

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

Reg No.: 2014 28767
Issue No.: 2009
Case No.: ██████████
Hearing Date: June 25, 2014
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 three way telephone hearing was held on June 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, ██████████ of ██████████, the Claimant's Authorized Hearing Representative, also appeared on her behalf. Participants on behalf of the Department of Human Services (Department) included Bobbie Ingram, Medical Contact Worker.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") 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. The Claimant submitted an application for public assistance seeking MA-P benefits on August 22, 2013, with retro application for May and June 2013.
2. The Claimant applied with the Social Security Administration for SSI income based on disability.
3. The Medical Review Team ("MRT") found the Claimant not disabled on November 22, 2013. (Exhibit 1)

4. The Department notified the Claimant's Authorized Hearing Representative of the MRT decision on November 26, 2013. (Exhibit 1)
5. The Social Security Administration found the Claimant not disabled by letter dated March 3, 2014. (Claimant Exhibit B)
6. On February 14, 2014, the Department received the Claimant's AHR's timely written request for hearing.
7. On May 5, 2014, the State Hearing Review Team ("SHRT") found the Claimant not disabled and referenced the Social Security Administration ALJ decision of March 3, 2014.
8. As of the date of the hearing, June 26, 2014, the Claimant did not appeal the SSA determination.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The disability standard for both disability-related MA and SSI is the same. BEM 271, p.1, (7/1/14). When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260, Exhibit 2, p. 11, (7/1/14). 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, Exhibit 2, p. 11. 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. 10. An SSA

determination becomes final when no further appeals may be made at SSA. BEM 260, 3. 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. 10.

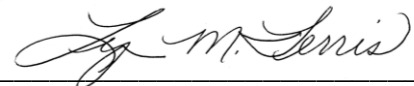
In the record presented, the SSA found the Claimant not disabled in a letter dated March 5, 2014. The Claimant did not appeal the decision and more than 60 days have lapsed since the determination. The Claimant has not alleged a new disabling impairment. The SSA decision considered evidence from September 2013. In light of the foregoing, the final SSA determination is binding on the Claimant's MA-P 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 the Claimant not disabled for purposes of the MA-P benefit program.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 30, 2014

Date Mailed: June 30, 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.

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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:
 - 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

LMF/tm

cc:

[REDACTED]
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