



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: July 20, 2018
MAHS Docket No.: 18-005128
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

Following Petitioner'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. After due notice, an administrative hearing was held on July 19, 2018, with the Administrative Law Judge (ALJ) initiating a conference call from Lansing, Michigan. All other parties appeared In-person at the Department of Health and Human Services (Department). Petitioner appeared and testified. The Respondent was represented by Mariah Schaefer, FIM.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the State Disability Assistance (SDA) 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. On [REDACTED] 2017 Petitioner applied for SDA, a cash benefit program based on disability, with the Department of Health and Human Services.
2. Petitioner is a beneficiary of the Medicaid program and receives medical benefits under the Healthy Michigan Plan (HMP).
3. On May 14, 2018 the Medical Review Team (MRT) denied her request.
4. On May 16, 2018 the Department issued notice, and on May 25, 2018 Petitioner filed a timely hearing request.
5. On December 12, 2017 the Appeals Council with the Social Security Administration denied Petitioner's numerous appeals of her SSA application based

on disability with the SSA. Petitioner has exhausted all of her appeals. Petitioner has not reapplied. The December 12, 2017 determination is considered final.

6. Petitioner has a nicotine addiction, and by self-testimony, states that she is “an alcoholic.”
7. As of the date of application, Petitioner was a 48-year-old, standing tall and weighing 158 pounds. Petitioner’s Body Mass Index (BMI) is 32, classifying her as obese under the BMI Index.
8. Petitioner alleges disability based on physical/mental impairments:
9. The MRT findings and conclusions are adopted and incorporated by reference herein.
10. Petitioner testified to the ability to fix food, do light housework, laundry.
11. Petitioner testified that she does not need any assistance with her bathroom and grooming needs.
12. Petitioner did not present evidence of exercising

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), and Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. 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.

For the SDA program, the Department’s Program Eligibility Manual contains the following policy statements and instructions for caseworkers regarding the State

Disability Assistance program: to receive State Disability Assistance, a person must be disabled, caring for a disabled person or age 65 or older. BEM, Item 261, p. 1.

As to the disability assessment, the State of Michigan follows the general guidelines with regards to the MA program to show SDA statutory disability with one major exception: duration for the SDA program is due to a disability which has lasted or can be expected to last for a continuous period of not less than 90 days.

Prior to any substantive review, jurisdiction must be established. Under BEM 261, the Respondent is required to follow the MA policy regarding disability. BAM 260 is the MA disability policy which states in part that the SSA's determination that disability does not exist for SSI is final for MA with certain exceptions not applicable herein. This policy is further supported by BAM 815 which BEM 261 refers to in processing SDA applications for disability. BAM 815 additionally states that for SSA determinations, "SSA's final determination that a client is not disabled supersedes DDS's certification." BAM 815, p. 2 of 11.

The facts here indicated that on December 12, 2017 Petitioner received a final determination by the SSA appeals council regarding her SSI application. The State of Michigan is required to follow federal law and state policy, which indicates that unless certain exceptions are met, none here, the SSA decision is binding on the state agency and there is no jurisdiction to proceed with a substantive review. As such, Petitioner's hearing request must be dismissed.

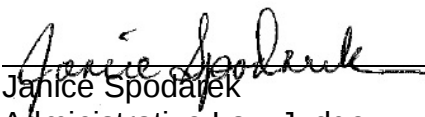
In the alternative, the MRT denial is adopted and incorporated by reference herein finding Petitioner not disabled.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds Petitioner not eligible for the SDA benefit program.

DECISION AND ORDER

Accordingly, the Department's determination finding Petitioner not eligible for SDA is AFFIRMED.

JS/nr



Janice Spodarek
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; 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 48909-8139

DHHS

Mariah Schaefer
3255 122nd Ave Ste 300
Allegan, MI
49010

Allegan County DHHS- via electronic mail

BSC3- via electronic mail

L. Karadsheh- via electronic mail

Petitioner

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