



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 11, 2018
MAHS Docket No.: 18-008862
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, a telephone hearing was held on October 4, 2018, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Tracey Old, ES Worker.

ISSUE

Is there is jurisdiction to proceed with a substantive State Disability Assistance (SDA) review where Petitioner received a final Supplemental Security Income (SSI) determination from the Social Security Administration (SSA)?

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], 2018, Petitioner applied for SDA, a cash benefit program based on disability, with the Michigan 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 August 14, 2018, the Medical Review Team (MRT) denied Petitioner.
4. On August 17, 2018, the Department issued notice.
5. On September 4, 2018, Petitioner filed a hearing request.

6. Petitioner testified that in October 2017, Petitioner received an adverse decision by a federal Administrative Law Judge who found that Petitioner was not disabled under the federal social security rules. Petitioner testified that he did make any further appeals and instead he reapplied on November 2, 2017, for SSI with the SSA.
7. Petitioner testified that he has not received any new medical diagnoses since October 2017.
8. Petitioner did not establish jurisdiction.

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.

Here, Petitioner applied for SDA based on disability. Individuals who apply for welfare benefits have the burden to prove their eligibility. The burden of proof is by a preponderance of evidence.

Policy with regards to SDA eligibility is found in BEM 261. That policy, with certain exceptions not applicable herein, states in part: “When the person does not meet one of the criteria under Other Benefits or Services or Special Living Arrangements, follow the instructions in BAM 815, Medical Determination and Disability Determination Service (DDS), Steps for Medical Determination Applications.” BEM 261, page 4, effective 4/1/17.

Applicable policy found in BAM 815 states in part: SSA's final determination that a client is not disabled and/or blind supersedes DDS's certification. See BEM 260 for MA to determine when to proceed with a medical determination for these clients. BAM 815, page 2, effective 4/1/18.

Referring to BEM 260, as applicable to the case here states in part:

**Final SSI
Disability
Determination**

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.

Eligibility for MA based on disability or blindness does **not** exist once SSA's determination is **final**. BEM 260, page 3, Effective 7/1/15.

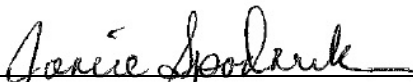
Prior to any substantive review, jurisdiction is paramount.

The facts of record here show that Petitioner had a determination by the SSA on an SSI application in [REDACTED] 2017 that he was not disabled under the social security rules. Petitioner did not appeal to the appeals council but instead reapplied. Thus, the [REDACTED] 2017 determination was final. Petitioner further testified under oath that he has not received any new medical diagnoses since that final determination. Thus, none of the exceptions apply. Michigan applies the same rules, guidelines and federal regulations for SDA applications under the federal social security act, found in 20 CFR, with certain exceptions not applicable to the case herein. Thus, under these facts, federal and state law and policy, the undersigned has no jurisdiction to proceed with a substantive review of Petitioner's SDA cash application based on disability.

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 that Petitioner's September 4, 2018, hearing request is dismissed for lack of jurisdiction.

Accordingly, Petitioner's September 4, 2018, hearing request is **DISMISSED** for lack of jurisdiction.

JS/hb



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

Denise Croff
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County, DHHS

BSC4 via electronic mail

L. Karadsheh via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]