

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2009-22475
Issue No.: 2009/4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 27, 2009
Wayne County DHS (59)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held in Detroit, Michigan on Thursday, August 27, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical evidence. Subsequently, the Social Security Administration ("SSA") approved the Claimant for benefits with a disability onset date of June 30, 2008.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

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 April 25, 2007, the Claimant filed an application for disability with the Social Security Administration ("SSA").
2. The Claimant submitted a public assistance application seeking MA-P and SDA benefits on October 29, 2007.

3. On December 26, 2008, the Medical Review Team (“MRT”) determined the Claimant was not disabled. (Exhibit 1, pp. 1, 2)
4. On January 5, 2009, the Department sent an eligibility notice to the Claimant informing her that she was found not disabled. .
5. On April 1, 2009, the Department received the Claimant’s written Hearing Request.
6. On June 3, 2009, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 2)
7. On February 24, 2010, the SSA found the Claimant disabled with a disability onset date of June 30, 2008.
8. The Claimant did not appeal the SSA determination.

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 of Human Services (“DHS”), formerly known as the Family Independence Agency, 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 Bridges Reference Manual (“BRM”).

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled and subsequently, the Social Security Administration (“SSA”) determines that the Claimant is entitled to SSI based on his disability/blindness for some, or all, of the time covered by the denied MA application provided the Department is informed of the approval within 90 days of the date of the MA denial notice. BEM 260 All eligibility factors must be met for each month MA is authorized. BEM 260

The disability standard for both disability related MA and SSI is the same. BEM 271 When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260 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 The client has 60 days from the date s/he receives a denial notice to appeal a SSA action. BEM 260; BEM 271 A SSA determination becomes final when no further appeals may be made at SSA. BEM 260 Once a SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271

In this case, the Claimant filed an application with the SSA on April 25, 2007. The SSA initially denied the application which the Claimant appealed. On February 20, 2010, the SSA found the Claimant disabled with a disability onset date of June 30, 2008. The SSA determination (for an earlier disability onset date) was not appealed thus became final since no further appeals may be made at SSA. Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260. Accordingly, the Claimant is found disabled effective June 30, 2008. The Claimant is found not disabled for the period from October 29, 2007 through May 31, 2008.

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Claimant is found disabled for purposes of the Medical Assistance ("MA-P") program effective June 30, 2008 therefore the Claimant is found disabled for purposes of SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Claimant meets the definition of medically disabled under the MA-P and SDA benefit programs effective June 30, 2008.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled for the period from October 2007 (retroactive to July 2007) through May 2008 is AFFIRMED.

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2. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant effective June 30, 2008.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/14/2010

Date Mailed: 9/14/2010

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CMM/jlg

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