

**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.: 2009-34741
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 23, 2009
Oakland County DHS (04)

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 hearing was held in Pontiac, Michigan on Monday, November 23, 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 April 1, 2008. This matter is now before the undersigned for a final decision.

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 upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted a public assistance application seeking MA-P benefits on February 25, 2009.
2. On May 6, 2009, the Medical Review Team ("MRT") determined the Claimant was not disabled. (Exhibit 1, pp. 1, 2)

3. On May 20, 2009, the Department sent an eligibility notice to the Claimant informing him that he was found not disabled. (Exhibit 2)
4. On July 30, 2009, the Department received the Claimant's written Hearing Request. (Exhibit 3)
5. On September 18, 2009, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 4)
6. At the time of hearing, the Claimant was 49 years old with a [REDACTED] birthdate; was 6'3" in height; and weighed 200 pounds.
7. On July 14, 2010, the Social Security Administration ("SSA") found the Claimant disabled with a disability onset date of April 1, 2008.

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

In this case, the SSA approved the Claimant for social security benefits with the disability onset date of April 1, 2008. Accordingly, because of the favorable SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

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 benefit program.

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Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based on the February 25, 2009 application.
2. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible qualified.

Colleen M. Mamelka

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

Date Signed: 8/17/2010

Date Mailed: 8/17/2010

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

cc:

