

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.: 2010-17641
Issue No.: 2009/4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 2, 2010
Macomb County DHS (20)

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 Warren, Michigan on Wednesday, June 2, 2010. The Claimant appeared and testified, along with [REDACTED]. 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. The new evidence was forwarded to the State Hearing Review Team ("SHRT") for consideration. On October 5, 2010, the SHRT found the Claimant disabled based on a favorable Social Security Administration's ("SSA") determination.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes continued entitlement to Medical Assistance ("MA-P") and the 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 a material fact:

1. In February of 2008, the Claimant applied for MA-P and SDA benefits.
2. On May 7, 2008, the Medical Review Team ("MRT") deferred the disability determination requesting a psychiatric evaluation. (Exhibit 1, pp. 99, 105)

3. On June 6, 2008, the Department received the psychological evaluation report. (Exhibit 1, pp. 100 – 104)
4. On July 22, 2008, the MRT found the Claimant disabled with a scheduled review date of July 2009. (Exhibit 1, pp. 97. 98)
5. On January 15, 2009, the Claimant attended a consultative examination requested by the Social Security Administration. (Exhibit 3)
6. Upon review, the MRT deferred the disability determination requesting a psychiatric and physical evaluations. (Exhibit 1, p. 18)
7. On December 21, 2009, the Claimant attended the mental status and physical examinations. (Exhibit 1, pp. 5 – 17)
8. On January 12, 2010, the MRT found medical improvement thus determined the Claimant was no longer disabled for purposes of MA-P and SDA benefits. (Exhibit 1, pp. 3, 4)
9. On January 19, 2010, the Department notified the Claimant of the MRT decision.
10. On January 26, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 2)
11. On February 19, 2010, the SHRT found the Claimant was no longer disabled based on medical improvement. (Exhibit 4)
12. During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of new medical evidence. (Exhibits 5, 6, 7)
13. The additional records were forwarded to the SHRT for consideration.
14. On October 5, 2010, the SHRT found the Claimant disabled based upon a favorable SSA determination.
15. The Claimant's alleged physical disabling impairments are due to chronic back and left knee pain, GERD, irritable bowel syndrome, and headaches.
16. The Claimant's alleged mental disabling impairments are due to anxiety, depression, panic attacks, and agoraphobia.

17. At the time of hearing, the Claimant was 33 years old with a [REDACTED] birth date; was 5' in height; and weighed approximately 220 pounds.
18. The Claimant graduated from high school with some college and work history as a cashier, patient transporter, office worker, tax preparer, and dental assistant.

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 SSI benefits covering the period at issue in this determination. Ultimately, because of the favorable Social Security Administration determination, it is not necessary to discuss the issue of disability pursuant to BEM 260.

The State Disability Assistance 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 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 therefore the Claimant is found disabled for purposes of continued SDA benefits.

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 program.

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 SSA determination.
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: 10/18/2010

Date Mailed: 10/18/2010

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

2010-17641/CMM

cc:

