STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ████████████   Reg. No.: 2010-24168
                                                            Issue No.: 2009/4031
                        Claimant   Case No.: ██████████
                                                            Load No.: ██████████
                                                            Hearing Date:
                                                            April 21, 2010
                                                            Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

<u>HEARING DECISION</u>

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 conducted from Detroit, Michigan on Wednesday, April 21, 2010. The Claimant's Authorized Representative ("AR"), ████████ of ████████████████, appeared and testified. ████████████ appeared on behalf of the Department. During the hearing, the AR testified that the Claimant received a fully favorable determination from the Social Security Administration ("SSA") effective September 17, 2007. Subsequent to the hearing, the AR submitted a copy of the fully favorable SSA decision.

<u>ISSUE</u>

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

FINDINGS OF FACT

The Administrative Law Judge, based on 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 and SDA benefits in October 2007.

2.   On December 4, 2007, the Medical Review Team ("MRT") deferred the disability determination requesting a consultative evaluation.

3.   On February 5, 2008, the Claimant attended the evaluation.

4.   On February 27, 2008, the MRT found the Claimant not disabled.

5.   On May 13, 2008, the Department received the Claimant's timely Request for Hearing.

6.   On August 13, 2008, the State Hearing Review Team ("SHRT") found the Claimant not disabled.

7.   On November 6, 2008, a hearing was held regarding the issue of disability.

8.   The record was extended to allow for the submission of additonal medical evidence.

9.   On November 17, 2009, the SSA issued a fully favorable determination effective September 17, 2007.

10.   On January 22, 2010, the additional medical evidence was submitted to the SHRT for consideration.

11.   On January 28, 2010, the SHRT found the Claimant not disabled based upon insufficient evidence.

12.   On February 8, 2010, a decision issued based on the November 6, 2008 hearing which affirmed the Department's determination.

13. On March 5, 2010, the AR requested a rehearing based upon a favorable SSA determination.

14. On or about April 1, 2010, the request was granted resulting in this hearing.

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 Policy Glossary ("BPG").

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 RSDI based on his/her 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

Ultimately, because of the fully favorable Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program purusant to MCL 400.10 et seq. and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in the BAM, BEM, and the BPG. A person is

considered disabled for SDA purposes if the person has a physical or mental impariment 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, therefore the Claimant's is found disabled for purposes of SDA benefits.

<u>DECISION AND ORDER</u>

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 September 2007.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based upon the October 2007 application.

2. The Department shall supplement for any lost benefits the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

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

Date Signed: __4/27/2010____

Date Mailed: __4/27/2010____

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 receipt 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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