

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2010-32820
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: September 13, 2010
DHS County: Wayne (82-35)

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 conducted from Detroit, Michigan, on Monday, September 13, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("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. No new medical evidence was received; however, on July 11, 2011, the Department faxed a SOLQ showing that the Social Security Administration ("SSA") found the Claimant disabled with a disability onset date of September 13, 2009.

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

1. The Claimant submitted an application for public assistance seeking MA-P and SDA benefits on September 18, 2009.
2. On January 10, 2010, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 3, 4)

3. On January 25, 2010, the Department notified the Claimant of the MRT determination. (Exhibit 1, p. 2)
4. On April 14, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 1)
5. On May 7, 2010, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 2)
6. On March 28, 2011, the SSA found the Claimant disabled with a disability onset date of September 13, 2009.

CONCLUSIONS OF LAW

MA-P is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, 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 ("RFT").

A previously denied MA-P application is treated as a pending application when MRT determines the Claimant was not disabled and, subsequently, the SSA determines that the Claimant is entitled to Social Security Income ("SSI") based on his disability/blindness for some, or all, of the time covered by the denied MA-P application. BEM 260. All eligibility factors must be met for each month MA-P is authorized. BEM 260.

In this case, the SSA approved the Claimant for SSI benefits with the disability onset date of September 13, 2009. Ultimately, 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.

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department 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.

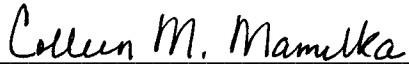
In this case, the Claimant is found disabled for purposes of the MA-P program; therefore, he is found disabled for purposes of the SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Claimant meets the definition of medically disabled under the MA-P and SDA benefit programs.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing MA-P and SDA case for the Claimant based on the September 18, 2009, application.
2. 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
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 19, 2011

Date Mailed: July 19, 2011

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.

2010-32820/CMM

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/pf

cc:

