

**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.: 2010-48082
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: September 20, 2010
DHS County: Wayne (82-18)

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 Taylor, Michigan, on Monday, September 20, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [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. Subsequent to the hearing, the Social Security Administration ("SSA") approved the Claimant for Social Security Income ("SSI") benefits with the disability onset being the date of application, March 29, 2010. This matter is now before the undersigned.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the 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 an application for public assistance seeking MA-P benefits in October 2009 and on April 12, 2010.
2. On March 29, 2010, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 64, 65)

3. On May 20, 2010, the Department notified the Claimant of the MRT determination. (Exhibit 1, p. 1)
4. On August 11, 2010, the Department received the Claimant's timely written request for hearing.
5. On August 20, 2010, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 3)
6. Subsequently, the SSA approved the Claimant for SSI benefits with a disability onset date of March 2009.

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, 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").

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 he receives a denial notice to appeal an SSA action. BEM 260; BEM 271. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260. Once an SSA determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260; BEM 271.

A previously denied MA 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 SSI based on his disability/blindness for some, or all, of the time covered by the denied MA application. BEM 260. All eligibility factors must be met for each month MA is authorized. BEM 260.

In this case, the Claimant submitted two applications for MA-P benefits: one on October 26, 2009, and the other on April 12, 2010. On May 20, 2010, the Department notified the Claimant and his Authorized Hearing Representative of the MRT denial for both applications. A timely written request for hearing was received, specifically referencing the April 12th application only.

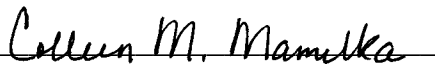
On November 16, 2010, the SSA approved the Claimant for SSI benefits with the disability onset being the SSI application date of March 2009. The disability onset date was not appealed thus the SSA decision is final. As a result, even though the denial of the October 26, 2009, application was not appealed, the SSA decision is binding on the Department. This means that the Claimant cannot be found disabled for the months of October (noting any applicable retroactive benefits) through December 2009. In light of the SSA determination, it is found that the Claimant is disabled beginning January 2010 forward. It is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260 because of the favorable SSA decision.

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.

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 April 12, 2010, application to include the applicable retroactive months.
2. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise qualified.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 22, 2011

2010-48082/CMM

Date Mailed: March 24, 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.

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:

