


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

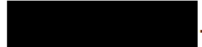
IN THE MATTER OF:



Reg. No.: 2010-51645
Issue No.: 2009
Case No.: 
Hearing Date: December 16, 2010
DHS County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on December 16, 2010, from Detroit, MI. Claimant appeared and testified. The Department of Human Services (Department) was represented by .

The record was extended for THE submission of additional medical evidence. This evidence was received and submitted to SHRT. On December 8, 2011, SHRT rendered a partially favorable decision awarding benefits based on a Social Security Administration decision.

ISSUE

Whether the Department properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) 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. On June 3, 2010, Claimant applied for MA-P.
2. On June 23, 2010, the Medical Review Team denied Claimant's request.
3. On August 23, 2010, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.

5. Claimant is 52 years old.
6. Claimant completed education through a GED.
7. Claimant has employment experience in housing deconstruction for a salvage company (he was laid off and is currently collecting unemployment benefits). Previously, Claimant worked for a temporary service agency as a general laborer.
8. Claimant suffers from right tibia/fibula fracture and pelvic fracture.
9. Claimant was hospitalized on [REDACTED], for a pelvic fracture and right tibia fracture, right fibula fracture, fracture of S1, right superior pubic ramus fracture, left first metacarpal fracture and anemia due to blood loss.
10. On August 29, 2011, the Social Security Administration (SSA) issued a fully favorable decision establishing an onset date of disability of June 3, 2010.
11. On December 8, 2011, SHRT approved MA back to June 2010 based on the SSA decision and denied the retro month of May 2010.

CONCLUSIONS OF LAW

MA-P is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers MA-P 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).

Because of the SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BEM Item 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning May 2010. The prior months of requested coverage are approved per BEM 260, since the SSA issued a final determination. The determination made by SSA was considered fully favorable and the Administrative Law Judge indicated the month of onset was established based upon Supplemental Security Income (SSI) not being payable until the month following the month of application. Therefore, the alleged May 2010 date was not considered and not seen as a loss due to SSI not beginning payment until the month following application. Policy, as indicated above, allows up to 3 months retro MA from the date of onset established by the SSA for Supplement Security Income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of May 2010.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective May 2010 if otherwise eligible.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 14, 2011

Date Mailed: December 14, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

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Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

