

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No.: 2010-9024
Issue No.: 2009/4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 18, 2010
Wayne County DHS (57)

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 Detroit, Michigan on Thursday, March 18, 2010. The Claimant failed to appear. The Claimant's authorized representative, [REDACTED] of [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

During the hearing, the authorized representative submitted additional medical evidence requesting the new records be forwarded to the State Hearing Review Team ("SHRT") for consideration. The records were forwarded to SHRT and on March 31, 2010, the SHRT found the Claimant disabled pursuant to a fully favorable Social Security Administration's determination. This matter is now before the undersigned for a final decision.

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 a public assistance application seeking MA-P retroactive for December 2008, and SDA benefits on March 27, 2009. (Exhibit 1, pp. 3 – 23)
2. On November 21, 2009, the Medical Review Team (“MRT”) determined the Claimant was not disabled. (Exhibit 1, pp. 26, 27)
3. On July 13, 2009, the Department sent an eligibility notice to the Claimant informing her that she was found not disabled. (Exhibit 1, p. 1)
4. On October 9, 2009, the Department received the Claimant’s written request for hearing protesting the disability determination.
5. On December 8, 2009, the State Hearing Review Team found the Claimant not disabled based upon insufficient evidence. (Exhibit 2)
6. The Claimant’s alleged physical disabling impairments are due to chest pain post coronary bypass surgery and ischemic cardiomyopathy.
7. Based on the records, the Claimant is 34 years old with a [REDACTED] birth date with a work history as a caregiver, cashier, and general laborer.
8. On March 31, 2010, the SHRT approved the Claimant for MA based upon a fully favorable Social Security Administration’s (“SSA”) decision.

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 pursuant 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 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 (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.

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 and SDA benefit programs.

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 March 2009 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.

Colleen M. Mamelka

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

Date Signed: 4/8/2010

Date Mailed: 4/8/2010

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 the Circuit 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

cc:

