

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-32680
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: May 27, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for ALJ Jana Bachman

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 May 27, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and State Disability Assistance (SDA)?

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 February 12, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On February 26, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On March 4, 2010, the department caseworker sent claimant notice that his application was denied.

- (4) On March 29, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On May 10, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence.
- (6) The hearing was held on May 27, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On August 25, 2011, an SOLQ was provided to this Administrative Law Judge which indicated that claimant was approved for SSI with a disability onset date of March 8, 2010.
- (8) On the date of hearing, claimant was a 46-year-old man whose date of birth is [REDACTED]. Claimant is 5'8" tall and weighed 185 pounds.
- (9) Claimant completed the 12th grade, is able to read and write and does have basic math skills.
- (10) Claimant last worked in 1998.
- (11) Claimant alleges as disabling impairments: paralyzed on the right side, post stroke and epilepsy.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program 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 of Human Services (DHS or department) administers the MA program 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 Program Reference Manual (PRM).

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

The department is required to initiate a determination if claimant is financially eligible for the requested benefits if not previously done.

Ongoing MA eligibility begins the first day of the month of SSA entitlement. Some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement. BAM, Item 150, page 1. BEM, 115, page 8, indicates that retro MA coverage is available back to the first date of the calendar month prior to entitlement to SSI.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program and State Disability Assistance program as of the disability onset date of March 8, 2010. Because retro Medical Assistance coverage is available back to the first month of the third calendar month prior to the SSI entitlement, claimant is also considered medically disabled for the month of February 2010 and is therefore meets the definition of medically disabled from the February 12, 2010 application date forward.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement and also the month of February 2010. In addition, the department is also ORDERED to initiate a review of the SDA application if it has not already done so to determine if all other nonmedical eligibility criteria are met.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 30, 2011

Date Mailed: August 30, 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.

LYL/tg

cc:

