

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.: 2010-34980
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: September 29, 2010
Oakland County DHS (04)

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 Wednesday, September 29, 2010. The Claimant is deceased however her authorized hearing representative [REDACTED] of [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department.

During the hearing the Authorized Representative waived the time period for the issuance of this decision in order to submit a reported fully favorable decision from the Social Security Administration ("SSA"). The favorable decision was not received however on February 18, 2011, the undersigned requested an SOLQ which shows the favorable determination with a disability onset date of December 2, 2000.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") benefit program?

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 benefits on June 26, 2009.
2. On February 2, 2010, the Medical Review Team ("MRT") found the Claimant not disabled.
3. The Department notified the Claimant of the MRT decision.

4. On April 9, 2010, the Claimant passed away.
5. On June 7, 2010, the Probate Court appointed the Special Personal Representative who in turn authorized [REDACTED] to act on his behalf.
6. On June 16, 2010, the SSA issued a favorable SSI determination with a disability onset date of December 2, 2000.
7. The Department received the timely written request for hearing.
8. On August 31, 2010, the State Hearing Review Team ("SHRT") found the Claimant not disabled.

CONCLUSIONS OF LAW

The Medical Assistance 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 Reference Manual ("BRM").

A previously denied MA application is treated as a pending application when MRT determined 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 SSA approved the Claimant for SSI benefits with the disability onset date of December 2, 2000. Ultimately, because of the favorable Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

DECISION AND ORDER

The Administrative Law Judge, based on 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:

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1. The Department shall open (if not previously done so) a Medical Assistance case for the Claimant based on the June 26, 2009 application.
2. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible qualified.

Colleen M. Mamelka

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

Date Signed: 2/28/2011

Date Mailed: 2/28/2011

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/jlg

cc:

