

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

IN THE MATTER OF:



Reg. No.: 2010-54880
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: November 23, 2010
County: Ottawa

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's September 8, 2010, request for a hearing to protest the Department of Human Services' (Department) denial of Medical Assistance(MA-P), Retroactive MA-P, and State Disability Assistance (SDA). After due notice, an in-person hearing was held Tuesday, November 23, 2010. The Claimant personally appeared and testified on her own behalf with her attorney,



ISSUE

Whether the Claimant meets the disability criteria for MA-P, SDA, and Retroactive MA-P?

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 July 9, 2010, the Claimant applied for MA-P and SDA with Retroactive MA-P to April 2010.
2. At the conclusion of the hearing, the record was held open at the Claimant's request for the submission of additional medical records. The Claimant filled a new application for benefits. Medical records were submitted to the Medical Review Team (MRT). MRT approved the Claimant's claim of disability on December 29, 2010. MA-P is approved based on a non-exertional impairment.

The Claimant was approved retroactively to August 2010 with a medical review required in December 2011.

3. On November 28, 2011, MRT approved the Claimant for additional benefits until November 2012.
4. This Administrative Law Judge finds that the objective medical evidence in the file supports a finding of disability retroactive to April 2010. In addition, the Claimant had been approved for benefits prior to her July 9, 2010, application, but failed to turn in her redetermination application so her case was closed.

CONCLUSIONS OF LAW

The SDA program which provides financial assistance for disabled persons is established by 2004 PA 344. The 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).

MA-P is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers MA-P pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the BAM, BEM and PRM.

Because of the MRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BAM, Item 600.

The Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously done. The Claimant is eligible for MA-P retroactive to April 2010 and SDA based on the Claimant's July 9, 2010, application with a medical review date of November 2012 as required by the MRT decision.

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 retroactive to April 2010 and SDA based on the Claimant's July 9, 2010, application with a medical review date of November 2012 as required by the MRT decision.

Accordingly, the Department is ORDERED to initiate a review of the July 9, 2010, application, if it has not already done so, to determine if all other non-medical eligibility

criteria are met. The Department shall inform the Claimant of the determination in writing.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 12, 2012

Date Mailed: January 17, 2012

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.

2010-54880/CGF

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

CGF/pf

cc:

