

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-55857
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: January 31, 2011
DHS County: Oakland (63-04)

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, an in-person hearing was held on January 31, 2011, in Pontiac, MI. Claimant appeared and testified. Claimant was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

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 February 18, 2010, Claimant applied for MA-P and retro MA-P to November 2009.
2. On June 17, 2010, the Medical Review Team denied Claimant's request.
3. On September 10, 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 48 years old.
6. Claimant completed education through the 11th grade.

7. Claimant has employment experience (last worked 3 months ago) doing chore services for cousin (grossing a little over \$200), roofing, cooking at a fast food restaurant and machinery work for temporary services.
8. Claimant suffers from bipolar disorder, schizoaffective disorder, major depression, gout, arthritis and hiatal hernia.
9. On April 1, 2011, the Social Security Administration (SSA) issued a fully favorable Supplemental Security Income (SSI) decision. Claimant applied for SSI on March 9, 2010, alleging disability beginning August 11, 2007. SSA determined an onset date of disability of March 2009 as fully favorable even though Claimant alleged an earlier onset.
10. On August 19, 2011, SHRT approved MA coverage effective December 2009 based upon the SSI approval and allowing three months retro per BAM 115.

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 December 2009. The ongoing coverage and retro coverage back to December 2009 are approved per the SHRT decision issued August 19, 2011.

Regarding the retro MA requested for the month of November 2009:

The disability standard for both disability-related MA and SSI is the same. BEM 271. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260. The SSA Appeals Process consists of three steps:

1. Reconsideration (if initial application filed prior to October 1, 1999)
2. Hearing
3. Appeals Council

BEM 260.

The client has 60 days from the date she or he receives a denial notice to appeal an SSA action. BEM 260; BEM 271. An SSA determination becomes final when no further appeals may be made at the SSA. BEM 260. Once an SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260; BEM 271.


In the record presented, the SSA found that Claimant was disabled as of March 2009. The Claimant has not alleged any new disabling impairment not considered by SSA. The SSA determination was for the same time period at issue and the subsequent approval of SSI beginning March 2009 and not earlier as alleged by the Claimant's SSI application and this decision was not appealed within 60 days. Ultimately, because the SSA decision was not appealed, it became binding on the Claimant's MA-P case. In light of the foregoing, the Department's determination regarding the month of November 2009 is AFFIRMED.

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 December 2009 per SHRT.

Accordingly, the Department is hereby ORDERED:

1. Re-register Claimant's MA application dated February 18, 2009, including retro to December 2009;
2. Initiate reprocessing of Claimant's application and open an ongoing MA case for Claimant effective December 2009.



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

Date Signed: August 25, 2011

Date Mailed: August 25, 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.

JWO/pf

cc:

