

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.: 2010-7646
Issue No.: 2009/4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 7, 2010
Wayne County DHS (49)

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 Thursday, August 12, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical evidence. Subsequently, the Claimant was approved by the Social Security Administration ("SSA"). 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 ("SDA") benefit programs?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a MA-P and SDA recipient. (Exhibit 1, pp. 29, 30)
2. In April 2009, the Claimant's MA-P and SDA eligibility was reviewed.
3. On June 29, 2009, the Medical Review Team deferred the disability determination requesting additional medical evidence. (Exhibit 1, p. 2)

4. On September 11, 2009, the Claimant attended a consultative evaluation. (Exhibit 1, pp. 4 – 11)
5. On September 24, 2009, the Medical Review Team (“MRT”) determined the Claimant was not disabled. (Exhibit 1, pp. 2, 3)
6. The Department sent an eligibility notice to the Claimant informing him that he was determined to be no longer disabled.
7. In September 2009, the Department received the Claimant’s timely written Hearing Request. (Exhibit 2)
8. On December 2, 2009, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 3)
9. On July 30, 2010, the Social Security Administration found the Claimant disabled with an onset date of September 1, 2008.

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 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 Social Security Administration (“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 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

In this case, the SSA approved the Claimant for SSI benefits with the disability onset date of September 1, 2008. The Claimant is in current pay status effective September 10, 2010. 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.

The State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program

purusant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BRM. 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 is found disabled for purposes of SDA benefit program.

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 program.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based on the April 2009 redetermination 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 Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/13/2010

Date Mailed: 8/13/2010

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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:

