

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-20562
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 6, 2011
County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

AMENDED 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 June 6, 2011, at the Department of Human Services office in Macomb County, Michigan, District 20. Claimant was represented at hearing by [REDACTED].

ISSUE

Was the denial of claimant's application for Medical Assistance program (MA-P) and retroactive MA-P for lack of disability correct?

FINDINGS OF FACT

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

1. Claimant applied for MA-P and retroactive MA-P on August 5, 2010.
2. On November 10, 2010, the Medical Review Team denied MA-P and retroactive MA-P.
3. On November 16, 2010, claimant was sent a notice of case action.
4. On January 28, 2011, claimant filed for hearing.
5. On March 9, 2011, the State Hearing Review Team denied MA-P and retroactive MA-P.
6. On June 6, 2011, a hearing was held before the Administrative Law Judge.

7. The Social Security Administration issued a decision in claimant's case, finding disability for the purpose of securing SSI/RSDI income.
8. The Social Security Administration gave claimant a disability onset date of July 29, 2010.

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 (BRM).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for SSI benefits based upon disability, and has presented *prima facie* evidence of the same. This disability was found by the Social Security Administration to have an onset date of July 29, 2010. Claimant is eligible for retro MA-P for the 1st day of the third month prior to eligibility. BAM 115. Therefore, the Administrative Law Judge finds that claimant met the Department's definition of disabled for the purposes of MA-P as of July 29, 2010

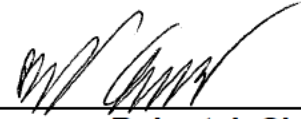
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant is medically disabled for the purposes of MA-P from the date of July 29, 2010, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above-stated matter is, hereby, REVERSED.

1. The Department is ORDERED to process the MA-P application of August 5, 2010, retroactive to the date of application, and initiate a review of all non-medical eligibility factors, if it has not already done so.

2. The Department is further ORDERED to initiate a full review of this case in March 2013.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 29, 2012

Date Mailed: March 29, 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.

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

RJC/pf

cc:

