

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

IN THE MATTER OF:



MAHS No.: 2011-26935 REHD
DHS Reg. No.: 2011-2194
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
DHS County: Lenawee

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of the Claimant.

ISSUE

Whether the Administrative Law Judge (“ALJ”) erred when she found the Claimant not disabled for purposes of the Medical Assistance (“MA-P”) and State Disability Assistance (“SDA”) benefit programs?

FINDINGS OF FACT

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

1. On March 15, 2011, the ALJ issued a Hearing Decision finding the Claimant not disabled.
2. On April 8, 2011, the Claimant’s Representative received notification of a January 14, 2011, fully favorable determination from the Social Security Administration (“SSA”).
3. On April 8, 2011, the Michigan Administrative Hearing System (“MAHS”), formerly the State Office of Administrative Hearings & Rules (“SOAHR”), received the Claimant’s request for reconsideration of the Hearing Decision.
4. On May 26, 2011, the MAHS granted the request for reconsideration and issued an Order for Reconsideration.

5. Findings of Fact 1 – 11 from the March 15, 2011, Hearing Decision are incorporated by reference.

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 (“Department”), 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 (“RFT”).

A previously denied MA application is treated as a pending application when MRT determines 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, after the hearing date, the SSA approved the Claimant for SSI benefits with the disability onset date of April 15, 2008. Based on the foregoing, it is found that the Claimant is disabled for purposes of the MA-P benefit program pursuant to BEM 260. Accordingly, the March 15, 2011, Hearing Decision is REVERSED.

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. 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 automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Claimant is found disabled for purposes of the MA-P program; therefore, he is found disabled for purposes of SDA benefit program.

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 and SDA benefit programs.

Accordingly, it is ORDERED:

1. The March 15, 2011, Hearing Decision is REVERSED.
2. The Department shall open (if not previously done so) an ongoing MA-P and SDA case for the Claimant, provided all non-medical criteria are met, based on the July 1, 2010 application.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

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

Date Signed: July 6, 2011

Date Mailed: July 7, 2011

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NOTICE: The law provides that within 30 days of receipt of the above Reconsideration Decision and Order, the claimant may appeal it to the circuit court for the county in which he/she lives.

CMM/pf

cc:

