

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33677
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: July 6, 2011
DHS County: Wayne (82-17)

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 Wednesday, July 6, 2011. The Claimant appeared, along with [REDACTED] and [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly determined that the Claimant was 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. The Claimant submitted an application for public assistance seeking MA-P and SDA benefits on September 29, 2010.
2. On March 4, 2011, the Medical Review Team ("MRT") found the Claimant not disabled.
3. On March 15, 2011, the Department notified the Claimant of the MRT determination.
4. On March 23, 2011, the Department received the Claimant's timely written request for hearing.

5. On June 3, 2011, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.
6. On June 30, 2011, the Social Security Administration (“SSA”) found the Claimant disabled with a disability onset date of December 26, 2010.

CONCLUSIONS OF LAW

MA-P is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the 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-P 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-P application. BEM 260. All eligibility factors must be met for each month MA-P is authorized. BEM 260

In this case, the SSA found the Claimant disabled with a disability onset date of December 26, 2010. The SSA further found that for the period from July 29, 2010, through December 25, 2010, the Claimant was capable of semi-skilled light work. The Claimant was not disputing or appealing this finding. 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 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 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 automatically qualifies an individual as disabled for purposes of the SDA program.

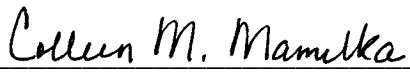
In this case, the Claimant is found disabled for purposes of the MA-P program; therefore, she is found disabled for purposes of the SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Claimant meets the definition of medically disabled under the MA-P and SDA benefit programs effective December 2010.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled for the period from September, and any applicable retro months, through November is AFFIRMED.
2. The Department's determination that the Claimant was not disabled for the period from December 2010 forward is REVERSED.
3. The Department shall open (if not previously done so) an ongoing MA-P and SDA case for the Claimant effective December 2010.
4. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified.



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

Date Signed: July 12, 2011

Date Mailed: July 12, 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.

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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/pf

cc:

