

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2011-36169
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 17, 2011
Macomb County DHS (20)

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, August 17, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("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. The records were received, reviewed, and forwarded to the State Hearing Review Team ("SHRT") for consideration. On January 9, 2012, this office received the SHRT determination which found the Claimant disabled based on an approval from 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 no longer disabled for purposes of the Medical Assistance ("MA-P) benefit program?

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 25, 2011, the Claimant submitted an application for public assistance seeking MA-P benefits on March 25, 2011, retroactive to December 2010.

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2. On April 18, 2011, the Medical Review Team (“MRT”) found the Claimant not disabled. (Exhibit 2)
3. On April 25, 2011, the Department notified the Claimant of the MRT determination.
4. On May 4, 2011, the Department received the Claimant’s timely written request for hearing. (Exhibit 3)
5. On June 23, 2011, the SHRT found the Claimant not disabled. (Exhibit 5)
6. The Claimant alleged physical disabling impairments due to knee pain, arthritis, back pain, sciatica, shoulder pain, heel spurs, shortness of breath, high blood pressure, acid reflux, umbilical hernia, abdominal pain, diabetes, obesity, and closed head injury.
7. The Claimant has not alleged any mental disabling impairment(s).
8. At the time of hearing, the Claimant was [REDACTED] years old with an [REDACTED] birth date; was 5’5” in height; and weighed 297 pounds.
9. The Claimant is a high school graduate with some college and an employment history of work in fast food restaurants, as a care provider, and in a nursery.
10. The Claimant’s impairments have lasted, or are expected to last, continuously for a period of 12 months or longer.
11. On January 4, 2012, the SHRT found the Claimant disabled based on a favorable SSA determination.

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, 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 Tables (“RFT”).

A previously denied MA application is treated as a pending application when MRT determined 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

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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, the SSA approved the Claimant for social security benefits with the disability onset date of August 19, 2011. Based on the favorable determination, the SHRT found the Claimant disabled effective July 1, 2010. Accordingly, because of the favorable SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

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 for purposes of the MA-P benefit program.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled is REVERSED.
2. The Department shall initiate processing of (if not previously done so) the March 25, 2011, to include all applicable retroactive months, to determine if all other non-medical criteria are met and inform the Claimant of the determination in accordance with department policy.
3. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified with respect to the March 25, 2011 application.



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

Date Signed: January 13, 2012

Date Mailed: January 13, 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

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cc:

