STATE OF MICHIGAN

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

IN THE MATTER OF:

[redacted]

Reg No.: 2011-39090
Issue No.: 2009, 4031
Case No.: [redacted]
Hearing Date: October 10, 2011
Wayne County DHS (57)

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 hearing was held in Detroit, Michigan on Monday, October 10, 2011. The Claimant appeared and testified. The Claimant was represented by [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 December 21, 2011, this office received the SHRT determination which found the Claimant disabled based on a fully favorable determination 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 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 January 13, 2011.

2. On March 28, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 5 – 8)

3. The Department notified the Claimant of the MRT determination.

4. On May 3, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 2)

5. On July 18, 2011, the SHRT found the Claimant not disabled. (Exhibit 4)

6. The Claimant alleged physical disabling impairments due to blurred vision, asthma, chronic obstructive pulmonary disease ("COPD"), chest pain, coronary artery disease, hypertension, hypothyroidism, diabetes, headaches, and hernia.

7. The Claimant has not alleged any mental disabling impairment(s).

8. At the time of hearing, the Claimant was [redacted] years old with a [redacted] birth date; was 5'3" in height; and weighed 230 pounds.

9. The Claimant is a high school graduate with an employment history as a tow truck dispatcher and an accounts payable/receivable office manager.

10. The Claimant's impairments have lasted, or are expected to last, continuously for a period of 12 months of longer.

11. On December 16, 2011, the SHRT found the Claimant disabled pursuant to a fully 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 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 SSI benefits with the disability onset date effective October 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 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 Mich Admin Code, Rules 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, she 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 Department shall initiate processing of the January 13, 2011 application (if not previously done so), to include any applicable retroactive months.

2. The Department shall notify the Claimant and her Authorized Hearing Representative of the determination in accordance with department policy.

3. The Department shall supplement for lost benefits 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: January 10, 2012
Date Mailed: January 10, 2012

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 Dec ision and Order or, if a ti mely request for rehea ring 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, math ematical error, or other obvious errors in the h earing 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc: [redacted]