

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201142229
Issue No: 2009
Case No: [REDACTED]
Hearing Date:
November 7, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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, a hearing was held on November 7, 2011 at the Department of Human Services office in Macomb County, Michigan, District 12.

ISSUE

Was the denial of claimant's application for 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 December 9, 2010.
- (2) On March 9, 2011, the Medical Review Team denied MA-P and retroactive MA-P.
- (3) On June 14, 2011, claimant filed for hearing.
- (4) On August 11, 2011, the State Hearing Review Team denied MA-P and retroactive MA-P.
- (5) On November 7, 2011, a hearing was held before the Administrative Law Judge.
- (6) Claimant was represented at hearing by [REDACTED].
- (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 May 1, 2011.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program 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 of Human Services (DHS or Department) administers the MA program 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 RSDI/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 May 1, 2011. Claimant is eligible for retro MA for the 1st day of the third month prior to eligibility. BAM 115. Therefore, claimant can be covered for MA services starting from a date of February 1, 2011.

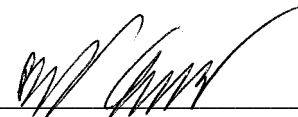
Therefore, the Administrative Law Judge finds that the claimant met the Department's definition of disabled for the purposes of MA-P as of February 1, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is medically disabled for the purposes of the MA programs from the date of February 1, 2011, 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 in question, retroactive to a date of February 1, 2011, 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 November, 2012.



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

Date Signed: 11/28/11

Date Mailed: 11/29/11

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 receipt 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/dj

cc:

