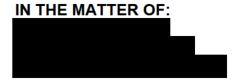
#### STATE OF MICHIGAN

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



Reg. No.: 2011-50341

Issue No.: 2009

Case No.:

Hearing Date: December 12, 2011

Oakland County DHS (02)

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 Madison Heights, Michigan on Wednesday, July 20, 2011. The Claim ant appeared and testified. The Clai mant was represented by appeared on behalf of the Depar tment of Human Services ("Department").

During the hearing, the Claimant presented a fully favorable determination from the Social Security Administration ("SSA") with a disability onset date of April 2011.

## <u>ISSUE</u>

Whether the Department proper ly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") benefit program?

#### FINDINGS OF FACT

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

- The Claimant submitt ed an application for public assistance seeking MA-P benefits on May 13, 2011.
- 2. On June 7, 2011, the Medical Revi ew Team ("MRT") found the Claimant not disabled.
- 3. On June 21, 2011, the Department notified t he Claimant of the MRT determination.

- 4. On August 18, 2011, the Department received the Claimant's timely written request for hearing.
- 5. On October 13, 2011, the State H earing Review T eam ("SHRT") found the Claimant not disabled.
- 6. On December 9, 2011, the SSA found the Cla imant disabled with an onset date of April 2011.

### **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 Bridge's Administrative Manual ("BAM"), the Bridges Elig ibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A previous ly 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/her 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 found the Claimant disabled with a disability onset date of April 2011. 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 conclusion sof 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.
- The Department shall in itiate processing of (if not previously done so) the May 13, 2011 application to include all applicable retroactive months to determine if all other non-medical criteria are

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met and inform the Claimant and her Authorized Hearing Representative of the determi nation in acc ordance with department policy.

3. The Department shall supplement fo r lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified with respect to the May 13, 2011 application.

Colleen M. Mamilka

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

Date Signed: December 16, 2011

Date Mailed: December 16, 2011

**NOTICE**: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailling date of this Decision and Order. Administrative Hear ings will not orde rarehearing or reconsideration on the Department's moiton where the final decision cannot be implemented within 90 days of the filing of the original request.

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 ti mely 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 <u>MAY</u> 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

consideration/Rehearing Request

P. O. Box 30639

Re

Lansing, Michigan 48909-07322

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