

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2011-1842
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: January 4, 2012
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 hearing was held in Warren, Michigan on Wednesday, January 4, 2012. The Claimant did not appear; however, her Authorized Hearing Representative, [REDACTED] appeared on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Department presented a fully favorable determination from the Social Security Administration ("SSA") with a disability onset date of April 1, 2009.

ISSUE

Whether the Department properly 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 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 benefits on May 25, 2008.
2. On April 29, 2011, the Medical Review Team ("MRT") found the Claimant not disabled.

2011-51842/CMM

3. On July 28, 2011, the Department notified the Claimant of the MRT determination.
4. On August 24, 2011, the Department received the Claimant's timely written request for hearing.
5. On October 26, 2011, the State Hearing Review Team ("SHRT") found the Claimant not disabled.
6. Subsequently, the SSA found the Claimant disabled with an onset date of April 1, 2009.

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.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150. Retroactive MA benefits up to three months prior to the SSI entitlement may also be available. BEM 150; BEM 115.

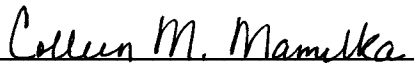
In this case, the SSA found the Claimant disabled with a disability onset date of April 1, 2009. Pursuant to policy, the Claimant is entitled to MA benefits (provided the non-medical criteria are met) beginning January 2009. Accordingly, because of the SSA determination, which is binding, it is not necessary 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 effective January 2009.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled is AFFRI MED for the period from May 2008, including any applicable retroactive months, through December 2008.
2. The Department's determination that the Claimant was not disabled effective January 2009 is REVERSED.
3. The Department shall initiate processing of (if not previously done so) the May 25, 2008 application to determine if all other non-medical criteria are met effective January 2009 forward.
4. The Department shall inform the Claimant and her Authorized Hearing Representative of the determination in accordance with department policy.
5. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified effective January 2009 forward in accordance with department policy.



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

2011-51842/CMM

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

CMM/cl

cc:

