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

IN THE MATTER OF:

Issue

Reg. No.:

2011-52803

No.: 2009

Hearing Date: DHS County:

December 5, 2011 Macomb County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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, at elephone hearing was held on December 5, 2011 from Detroit, Michigan. Claimant appeared and testified. The Depar tment of Human Serv ices (Department) was represented by

ISSUE

Did the Department of Human Services (DHS or Departm ent) properly determine that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

FINDINGS OF FACT

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

- 1. On January 22, 2009, Claimant applied for Medicaid.
- 2. The Department approved Claimant for M edicaid for the duration of 2009, but subsequently denied Claimant's application for benefits in 2010 based upon the belief that Claimant did not meet the requisite disability criteria.
- 3. On September 11, 2010, a hearing request was filed to protest the Department's determination.
- 4. On August 19, 2011, an Administrative Law Judge of the Office of Disability Adjudication and Review determined t hat Claimant has been disab led s ince September 1, 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity 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 a refound in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

A previous ly denied MA application is treated as a pending application when MRT determined the Claim ant was not disabled and subs equently, 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, on August 19, 2011 Claimant was determined to be disabled with an onset date of September 1, 2009 by a United States Administrative Law Judge for the Office of Disability Adjudication and Review. Ulti mately, because of the favorable Soc ial Security Administration 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, decides that Claim ant meets the definition of medically disabled under the Medical Assistance program.

Accordingly, the Department is ORDERED to initiate a review of the all of Claimant's MA applic ations subsequent to September 1, 2009, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The Department shall inform Claimant of its determination in writing. Assuming that Claimant is otherwise eligible for program benefits, the Department shall review Claimant's continued eligibility for program benefits in one year from the date of this decision.

Susan C. Burke
Administrative Law Judge

for Department of Human Services

Date Signed: 12/15/11

Date Mailed: 12/15/11

NOTICE: Michigan Administrative Hearing S ystem (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 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

Re

consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

SCB/sm

