

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

IN THE MATTER OF:



Reg. No.: 2011-8152
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 28, 2011
DHS County: St. Clair

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 Port Huron, Michigan, on Monday, February 28, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [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 records. The records were received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On June 1, 2011, the SHRT found the Claimant disabled. 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") 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 April 22, 2010.
2. On July 27, 2010, the Medical Review Team ("MRT") found the Claimant not disabled.

3. The Department notified the Claimant of the MRT determination.
4. On October 22, 2010, the Claimant received the Claimant's timely written request for hearing.
5. On December 28, 2010, SHRT found the Claimant not disabled. (Exhibit 3)
6. The Claimant alleged physical disabling impairments due to back and leg pain, blurred vision, retinopathy, shortness of breath, abdominal pain, and diabetes with neuropathy.
7. The Claimant alleged mental disabling impairments due to anxiety and depression.
8. At the time of hearing, the Claimant was 51 years old with a [REDACTED], birth date; was 5'7" in height; and weighed 145 pounds.
9. The Claimant has a limited education with an employment history as a hi-lo driver, press operator, and supervisor.
10. The Claimant's impairments have lasted, or are expected to last, continuously for a period of 12 months or longer.
11. On June 1, 2011, SHRT found the Claimant disabled based on an approval from the Social Security Administration ("SSA").

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, 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 Manual ("BRM").

A previously denied MA application is treated as a pending application when MRT determines the Claimant was not disabled and, subsequently, the SSA determines that 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.

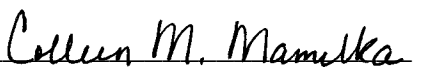
On June 1, 2011, based on an approval from the SSA, SHRT found the Claimant disabled. Based on the foregoing, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BAM 600. Accordingly, the Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously completed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Claimant disabled for purposes of the MA-P benefit program.

Accordingly, it is Ordered:

1. The Department's original determination is REVERSED.
2. The Department shall initiate review of the the April 22, 2010, application (if not previously completed) to determine if all other non-medical criteria are met and inform the Claimant and his Authorized Representative of the determination in accordance with Department policy.
3. The Department shall supplement for lost benefits, if any, that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



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

Date Signed: June 13, 2011

Date Mailed: June 20, 2011

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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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 timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CMM/pf

cc:

