

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-137
Issue No.: 2009/4031
Case No.: [REDACTED]
Hearing Date: January 6, 2011
St. Clair County DHS

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 Thursday, January 06, 2011. The Claimant did not appear however her attorney, [REDACTED], appeared by telephone on her behalf. [REDACTED] appeared on behalf of the Department.

Just prior to the hearing, the Claimant's attorney submitted a copy of a fully favorable Social Security Administration ("SSA") approval with a disability onset date of September 18, 2008.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

FINDINGS OF FACT

The Administrative Law Judge, based upon 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 and SDA benefits on July 20, 2010.
2. On August 23, 2010, the Medical Review Team ("MRT") found the Claimant not disabled for purposes of the MA-P and SDA benefit programs.
3. On August 27, 2010, the Department notified the Claimant of the MRT decision.

4. On September 13, 2010, the Department received the Claimant's timely written request for hearing.
5. On October 20, 2010, the State Hearing Review Team ("SHRT") found the Claimant not disabled.
6. On December 16, 2010, the Claimant's attorney submitted a fully favorable SSA decision with a disability onset date of September 18, 2008.

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 Manual ("BRM").

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled and subsequently, the Social Security Administration ("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, the SSA approved the Claimant for social security benefits with the disability onset date of September 17, 2008. 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 conclusions of law finds that the Claimant meets the definition of medically disabled under the MA-P and SDA benefit programs.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based on the July 20, 2010 application in accordance with department policy.
2. The Department shall supplement for any lost benefits that the Claimant was entitled to receive if otherwise eligible qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/11/2011

Date Mailed: 1/11/2011

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.

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.

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cc:

