

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

IN THE MATTER OF:  
Issue

[REDACTED]

Reg. No.: 2011-52803  
No.: 2009

[REDACTED]

[REDACTED]

Hearing Date: December 5, 2011  
DHS County: 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, a telephone hearing was held on December 5, 2011 from Detroit, Michigan. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

**ISSUE**

Did the Department of Human Services (DHS or Department) 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 Medicaid 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 that Claimant has been disabled since September 1, 2009.

**CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by Title XIX of the Social Security 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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

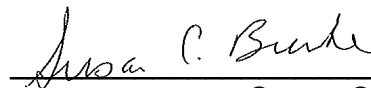
A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled and subsequently, the SSA determines that the Claimant is entitled to SSI based on his disability/blindness for some, or all, of the time covered by the denied MA application. BEM 260. All eligibility factors must be met for each month MA is authorized. BEM 260.

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. Ultimately, because of the favorable Social 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 conclusions of law, decides that Claimant 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 applications 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.



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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 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 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

SCB/sm

cc:

