**IN THE MATTER OF:**

████████████
████████████

Reg No.:    2012-10339
Issue No.:  2009
Case No.:   ████████
Hearing Date: February 15, 2012
Wayne County DHS (82)

**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 reques t for a hearing.  After due notic e, a hearing was held in Detroit, Mich    igan on Wednesday, February    15, 2012.  The Claimant appeared by telephone, and te stified.  The Claimant was r epresented by ███████ ███████████████████████    ██████████████  appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Claimant waived t      he time period for the issuance of this decision, in order to allow     for the submis sion of additi onal medical evidence.  The records were received, reviewed, and forw    arded to the State Hearing Review Team ('SHRT") for consideration.  On July       16, 2012, this office received the SHR       T determination whic h found the Cla imant not disabled.  This matter is now before the undersigned for a final decision.

## ISSUE

Whether the Department proper ly 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 t      he competent, material, and substantial evidence on the whole record, finds as material fact:

1.      The Claimant submitt  ed an application for public assistance seeking MA-P benefits, retroactive to April 2011, on June 20, 2011.

2.    On June 29, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 1, 2)

3.    The Department notified the Claimant of the MRT determination.

4.    On November 2, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

5.    On January 5, 2012, the SHRT found the Claimant not disabled. (Exhibit 4)

6.    On July 10, 2012, the SHRT found the Claimant disabled based on a fully favorable determination from the Social Security Administration with a disability onset date of May 11, 2011.

## 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.

Retro MA coverage is available back to the first day of the third calendar month prior to the SSI entitlement date. BAM 115.
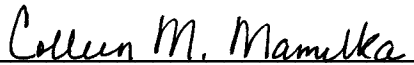
In this case, the SSA approved the Claimant for social security benefits with the disability onset date (entitlement date) of May 11, 2011. As a result, the Claimant is found disabled for MA-P purposes effective April 2011, pursuant to BAM 115. Based on the favorable SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260 and BAM 115.

## 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 April 2011.

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Accordingly, it is ORDERED:

1. The Department's determinati on that the Claimant was not disabled is REVERSED.

2. The Department shall in itiate processing of (i f not previously done so) the June 17, 2011 MA-P applicati on, retroactive to April 2011, to determine if all other non-medical criteria are met and inform the Claimant and his Author ized Hearing Represent ative of the determination in accordance with department policy.

3. The Department shall supplement fo r lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department poli cy with respect to the June 17, 2011 MA-P application.

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

Date Signed: July 25, 2012

Date Mailed: July 25, 2012

**NOTICE:** Michigan Administrative Hearing Syst em (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 or der 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 Dec ision and Order or, if a ti mely request for rehea ring 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 i s newly di scovered evidence that co uld affect the out come of the original hearing decision.

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- 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

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cc: