

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-36887
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: June 4, 2012
Wayne County DHS (49)

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 Detroit, Michigan on Monday, June 4, 2012. The Claimant did not appear; however her Authorized Hearing Representative, [REDACTED], [REDACTED] appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Department presented verification that the Social Security Administration ("SSA") found the Claimant disabled with a disability onset date of April 1, 2012.

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 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 and SDA benefits on September 27, 2011.
2. On November 21, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 8, 9)

3. The Department notified the Claimant of the MRT determination on November 28, 2011. (Exhibit 1, pp. 5, 6)
4. On February 24, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 2)
5. On April 20, 2012, the State Hearing Review Team ("SHRT") found the Claimant not disabled.
6. Subsequently, the SSA found the Claimant disabled with a disability onset date of April 1, 2012.

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.

The disability standard for both disability-related MA and SSI is the same. BEM 271. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. BEM 260. The SSA Appeals Process consists of three steps:

1. Reconsideration (if initial application filed prior to October 1, 1999)
2. Hearing
3. Appeals Council

BEM 260. An SSA determination becomes final when no further appeals may be made at SSA. BEM 260. Once an SSA's determination that a disability or blindness does not exist becomes final, the MA case must be closed. BEM 260, BEM 271.

In this case, the SSA approved the Claimant for social security benefits with the disability onset date of April 1, 2012. The Department testified that coverage was

activated, to include retroactive benefits, as provided for in policy. 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 based on the disability onset date of April 1, 2012, retroactive to January 2012. For the period prior to January 12, 2012, based on the final SSA determination (it will not be appealed), the Claimant is found not disabled.

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. 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 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.

In this case, the Claimant is found disabled for purposes of the MA-P program; therefore, she is found disabled for purposes of SDA benefit program effective April 1, 2012.

DECISION AND ORDER

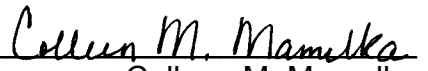
The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Claimant meets the definition of medically disabled for purposes of the MA-P and SDA benefit programs based on the SSA determination with a disability onset date of April 2012, retroactive to January 2012.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled for the period from September 2011 through December 2011 is AFFIRMED.
2. The Department's determination that the Claimant was not disabled for the period beginning January 2012 is REVERSED.
3. The Department shall initiate processing of (if not previously done so) the September 27, 2011 application for the period beginning January 2012 (retroactive month) to determine if all other non-medical criteria are met and inform the Claimant of the determination in accordance with department policy.

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4. 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, 2012

Date Mailed: June 13, 2012

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

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cc:

