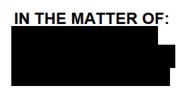
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012 46783 Issue No.: 2009, 4031 Case No.: Hearing Date: August 20, 2012 Sanilac County DHS (00)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Cla imant's request for a hearing. After due notice, an inperson hearing was conducted from Sandusky, Michigan on Monday, August 20, 2012. The Claimant appeared and te stified. ES appear ed on behalf of the Department of Human Services ("Department").

After the hearing was concluded, the Department presented a fully favorable disability determination from the Social Security Administration ("SSA") showing a disability onset date of December 15, 2011.

ISSUE

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

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 submitted an application for public assistance seeking MA-P and State Disability Assistance (SDA) on February 3, 2012.
- 2. On April 10, 2012 the M edical Review Team ("MRT") found the Claimant not disabled.

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- 3. The Depar tment notified the Claimant of the MRT determination on April 10, 2012.
- 4. On April 13, 2012 the Department received the Claimant's timely written request for hearing.
- 5. On May 25, 2012, the State Hearing Re view Team ("SHRT") found the Claimant not disabled.
- 6. Subsequently, the SSA found the Claimant disabled with a disability onset date of December 15, 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 e Agency, pursuant to MCL 400.10 *et seq* and MCL 400.105. Department polic ies are found in the Bridge s Administrative Manual ("BAM"), the Bridges Elig ibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A previous ly denied MA appl ication is treated as a pendi ng applic ation when MRT determined the Claim ant was not disabled and subs equently, the SSA det ermines that the Claimant is entitle d 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 Claim ant for social s ecurity benefits with the disability onset date of December 15, 2011. Based on the favorable SSA determination, it is not necessary for the Administrative Law Judge t o discuss the issue of disability pursuant to BEM 260.

With regard to the SDA program, a person is considered disabled for the purposes of SDA, if the person has a phy sical or m ental impairment which meets federal SSI disability standards for at least 90 days. As the Claimant meets the federal standards for SSI disability as addressed above, the undersigned concludes t hat the Claimant is disabled for the purposes of the SDA program as well.

In this case, the Claimant is found disabled for purposes of the MA-P program and the SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law finds that the Claimant meets the definition of medically disabled for purposes of the MA-P benefit program and SDA program.

Accordingly, it is ORDERED:

- 1. The Department's determination on that the Claimant was not disabled is REVERSED.
- The Department shall in itiate processing of (if not previously done so) the February 3, 2012 applic ation for MA-P and SDA to inclu de all applicable retroac tive months, to determine if all other nonmedical c riteria are met and inform the Claimant 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 with respect to the February 3, 2012 SDA application.

Lynn M. Ferris Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: October 29, 2012

Date Mailed: October 29, 2012

<u>NOTICE</u>: Michigan Administrative Hearing Syst em (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 Dec ision and Order. MAHS will not order a rehearing or

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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 Decision and Order or, if a ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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: