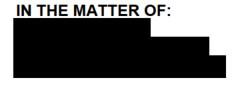
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-51757 Issue No.: 2009, 4031

Case No.: Hearing Date: July

Hearing Date: July 23, 2012 Oakland County DHS (04)

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 Claimant's request for a hearing. After due notice, a hearing was held in Pontiac, Michigan on July 23, 2012. The Claimant appeared and testified.

Participating on behalf of

the Department was

, ES, for

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submissi on of additional medi cal records. The evidence was received and forwarded to the State Hearing Revie w Team ("SHRT") for consideration. On February 15, 2013, this office received the SHRT determination which approved the Claimant for Medical Assist ance and SDA based on disability ("MA-P") effective September 2011 based on a favorable

determination by the Social Security Administration ("SSA").

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, bas ed on the competent, material, and substantial evidence on the whole record, finds as material fact:

- The Claimant submitted an application for public ass istance seeking SDA and MA-P benefits and retr o benefits, retroactive to September 2011, on December 12, 2011.
- 2. On April 20, 2012, the Medical Revi ew Team ("MRT") found the Claimant not disabled but approved SDA. (Exhibit 1, pp. 1)
- 3. The Department notified the Claimant of the MRT determination.
- 4. On April 27, 2012, the Department received the Claimant's timely written request for hearing.
- 5. On June 19, 2012, the SHRT found the Claimant not disabled.
- 6. Subsequently, the SSA found the Claimant disabled.
- 7. On February 12, 2013 the SHRT f ound the Claimant disabled effective September 2011 based on the favor able SSA determination and noted that SDA was previously approved by MRT.

CONCLUSIONS OF LAW

The Medical Assistance program is est ablished 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 previous ly denied MA applic ation 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 Retirement, Survivors, and Disability ("RSDI") based on his disability/blindness for some, or all, of the time covered by the denied MA application. BEM 260 (October 2011), p.1. All eligibility factors must be met for each month MA is author ized. BEM 260, p. 2. To be automatically eligible for MA, and Supplemental Security Income ("SSI") recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 (June 2011), p. 1.

In this case, the SSA approved the Claiman t for social security benefits which covers the dates requested on the Claima nt's MA-P application. Based on the favorable SSA determination, it is not n ecessary for the Ad ministrative Law Judge to discuss the issue of disability pursuant to BEM 260; BEM 150.

The State Disability Assistance program, which provid es financial assistance for disabled persons, was established by 2004 PA 344. The Department

administers the SDA progr am 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 benefit s based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Claimant is found disa bled for purposes of the MA-P program; therefore, s/he is found disabled for purposes of SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Claim ant meets the definition of medically disabled for purposes of the MA-P benefit programs.

Accordingly, it is ORDERED:

- 1. The Department's determination t hat the Claimant is not disabled is REVERSED.
- 2. The Department shall in itiate processing of the Claimant's application for SDA and MA-P benefits, dated Decem ber 12, 2011, retroactive to September 2011, to determine if all other non-medical criteria are met pursuant to Department policy based on the SHRT determination.
- 3. The Department shall notify t he Claimant of the determination in accordance with Department policy.
- 4. The Department shall supplement for lost SDA benefits (i f any) that the Claimant was entitle d to receive if otherwise eligible and qualifie d in accordance with Department policy.

Lynn M. Ferris`

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: February 25, 2013

Date Mailed: February 25, 2013

NOTICE: Michigan Administrative Hear ing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 d ays of the mailin g date of this Decisio n and Order. MAHS will not order a rehearing or recons ideration on the Department's motion where the final decision c annot be implemented within 90 days of the filing of the origina I 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 Decisi on and Order or, if a time ly 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 **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical erro rs, mathematical error, or othe r obvious erro rs in the h earing 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

LMF/cl

