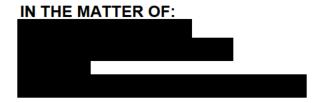
STATE OF MICHIGAN

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



Reg No.: 2012-52858

Issue No.: 2009

Case No.:

Hearing Date: July 26, 2012 Oakland County DHS (02)

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 telephone hearing was conducted from Detroit, Michigan on Thursday, July 26, 2012. The Claim ant appeared and test ified.

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Department of Human Services ("Department").

During the hearing, the Claima nt presented a fully favorable disability determination from the Social Security Administration ("SSA") showing a disability onset date of July 13, 2010.

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:

- The Claimant submitt ed an application for public assistance seeking MA-P benefits, retroactive to October 2011, on January 10, 2012.
- 2. On February 9, 2012, the Medical Re view Team ("MRT") found the Claimant not disabled.

2012-52858/CMM

- 3. The Department notified the Claimant of the MRT determination on February 17, 2012.
- 4. On May 12, 2012, the Department received the Claimant's timely written request for hearing.
- 5. On June 25, 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 July 13, 2010.

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 Bridge's Administrative Manual ("BAM"), the Bridges Elig ibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A previous ly denied MA application is treated as a pending application when MRT determined the Claim ant 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, the SSA approved the Claim ant for social security benefits with the disability onset date of July 13, 2010. Based on the favorable SSA determination, it is not neces sary for the Admin istrative 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 conclusion sof law finds that the Claimant meets the definition of medically disabled for purposes of the MA-P benefit program.

Accordingly, it is ORDERED:

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

2012-52858/CMM

- The Department shall in itiate processing of (if not previously done so) the January 10, 2012 application, to include all applicable retroactive months, to determine if all other non-medical criteria 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 January 10, 2012 application.

Colleen M. Mamelka

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

Date Signed: August 7, 2012

Date Mailed: August 7, 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 order 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 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 **MAY** be granted for any of the following reasons:

2012-52858/CMM

- 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

consideration/Rehearing Request Re P. O. Box 30639

Lansing, Michigan 48909-07322

CMM/cl

CC: