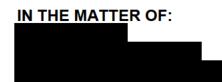
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-52943 Issue No.: 2009, 4031 Case No.: Hearing Date: June 20, 2012 Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administ rative 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 Detr oit, Michigan on Wednesday, June 20, 2012. The Claimant appeared, along with appeared on behalf of the Department of Human Services ("Department").

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 SDA benefits on January 9, 2012.
- 2. On April 25, 2012, the Medical Revi ew Team ("MRT") found the Claimant not disabled.
- 3. The Department notified the Claimant of the MRT determination.
- 4. On May 10, 2012, the Department received the Claimant's timely written request for hearing.

5. On May 23, 2012, the State Hearing Re view Team ("SHRT") found the Claimant disabled based a fav orable Social Security Administration ("SSA") determination which found the Claimant disabled with an onset date of January 24, 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 Independenc e 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 Eligib ility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A previous ly denied MA appl ication is treated as a pending 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.

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 Claim ant for social s ecurity benefits with the disability o nset date (entitle ment date) of January 24, 2012. Ba sed on the favorable SSA determination, it is not necessary for the Admin istrative Law Judge to discuss the issue of disability pursuant to BEM 260 and BAM 115.

The State Disability Assist ance program, which pr ovides financial assistance for disabled persons, was established by 2004 PA 344. The Depa rtment administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policie s are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a ph ysical or menta I impairment which m eets federal SSI dis ability 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 individua I as disab led for purposes of the SDA program.

In this case, the Claimant is found disa bled for purposes of the MA-P program; therefore, she is found disabled for purposes of 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 and SDA benefit programs.

Accordingly, it is ORDERED:

- 1. The Department's determination on that the Claimant was not disabled is REVERSED.
- 2. The Department shall in itiate processing of (if not previously done so) the January 9, 2012 application, retroactive to November 2011, to determine if all other non-medical criteria are met and inform the Claimant of the det ermination in accordance with department policy.
- 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 9, 2012 application, retroactive to November 2011.

Colleen M. Mamilka

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

Date Signed: June 27, 2012

Date Mailed: June 27, 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)

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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 <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 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

CMM/cl

CC:

