

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201259168
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: September 26, 2012
County: Wayne DHS (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 26, 2012 from Detroit, Michigan. The above named claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits on the basis that Claimant is not a disabled individual.

FINDINGS OF FACT

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

1. On 3/19/12, Claimant applied for MA benefits including retroactive MA benefits from 12/2011-2/2012.
2. On 5/18/12, the Medical Review Team (MRT) determined that Claimant was not a disabled individual.
3. On 6/11/12, DHS denied Claimant's application for MA benefits and mailed a notice informing Claimant of the denial.
4. On 6/13/12, Claimant requested a hearing to dispute the denial of MA benefits.

5. On 7/23/12, the State Hearing Review Team (SHRT) determined that Claimant was not a disabled individual.
6. On 9/26/12, an administrative hearing was held.
7. DHS conceded that Claimant was approved for Social Security Administration benefits.
8. The disability onset date for SSA benefits was 11/2011.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program 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 Reference Tables Manual (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

In the present case, DHS conceded that SSA found Claimant to be a disabled individual. SSA determined Claimant's disability onset date to be 11/2011. Based on the onset date, the period of disability found by SSA fully covers the entire period of disability in dispute in the present case. Based on the favorable SSA determination, it is not necessary for the Administrative Law Judge to decide the issue of disability because the SSA decision definitively established that Claimant is a disabled individual as of 11/2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit application dated 3/19/12, including Claimant's request for retroactive MA benefits from 12/2011-2/2012;
- (2) upon reinstatement, evaluate Claimant's eligibility for MA benefits on the basis that Claimant is a disabled individual;
- (3) supplement Claimant for any benefits not received as a result of the improper denial; and
- (4) if Claimant is found eligible for future MA benefits, to schedule a review of benefits no sooner than one year from the date of this administrative decision.

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The actions taken by DHS are REVERSED.



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

Date Signed: 10/9/2012

Date Mailed: 10/9/2012

CG/hw

cc:



MAHS