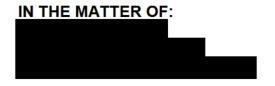
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-6200 Issue No.: 2009, 4031

Case No.:

Hearing Date: February 22, 2012

Macomb County DHS (20)

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, February 22, 2012. The Claimant appeared , along with appeared on behalf of t he Department of Human Services ("Department").

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On July 20, 2012, this office received the SHRT determination which approved the Claimant for Medical Assistance based on disability ("MA-P") effective April 2011 based on a favorable determination by the Social Security Administration ("SSA").

<u>ISSUE</u>

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, retroactive to April 29, 2011, on July 29, 2011.

- 2. On September 23, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, p. 1, 2)
- 3. The Department notified the Claimant of the MRT determination from which the Claimant timely appealed.
- 4. On December 8, 2011, the SHRT found the Claimant not disabled.
- 5. Subsequently, the SSA found the Claimant disabled with a disability.
- 6. On July 17, 2012, the SHRT found the Claimant disabled effective April 2011 based on the favorable SSA determination.

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 Eligibility 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 subs equently, 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 April 2011. Based on the favorable SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

The State Disability Assist ance program, which pr ovides fin ancial assistance for disabled persons, was established by 2004 PA 344. The Department 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 disab ility or blindness automatically qualifies an individua I as disab led for purposes of the SDA program.

2012-6200/CMM

In this case, the Claimant is found disa bled for purposes of the MA-P program; therefore, 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 conclusion sof 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 that the Claimant is not disabled is not upheld.
- 2. The Department shall initiate processing of the Claim ant's application for SDA and MA-P benefits dated July 29, 2011, retroactive to April 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 the Claimant of the determination in accordance with Department policy.
- 4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligib le and qualified in accordance with Department policy.

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

Collein M. Mamilka

Date Signed: July 26, 2012

Date Mailed: July 26, 2012

2012-6200/CMM

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 MAY 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

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