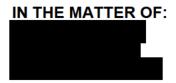
STATE OF MICHIGAN

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



Services ("Department").

Reg No.: 2012 62234

Issue No.: 2009

Case No.:

Hearing Date: October 8, 2012 Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Cla imant's request for a hearing. After due notice, an inperson hearing was conducted from Pontiac, Michigan on October 8, 2012. The Claimant appeared and test ified.

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The Claimant's Authorized Hearing Representative, also appeared on his behalf.

ES, appear ed on behalf of the Department of Human

After the hearing, the Departm ent presented a fully favorable disability determination from the Socia I Security Administration ("SSA") showing a disability onset date of April 9, 2010.

ISSUE

Whether the Department proper ly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P")?

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 State Disability Assistance ("SDA") on April 24, 2012.
- 2. On June 13, 2012 the M edical Review Team ("MRT") found the Claimant not disabled.

- 3. The Department notified the Claimant of the MRT determination on June 20, 2012.
- 4. On June 26, 2012 the Department received the Claimant's timely written request for hearing.
- 5. On August 8, 2012, the State H earing Revie w Team ("SHRT") found the Claimant not disabled.
- 6. Subsequently, the SSA found the Claimant disabled with a disability onset date of April 9, 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 polic ies are found in the Bridge's Administrative Manual ("BAM"), the Bridges Elig ibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The State Disability Assistance (SDA) program, which provides financial ass istance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.

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

The State Disability Assist ance program, which pr ovides financia I assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program purusant 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 phys ical or menta I impariment 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.

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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.

In this case, the SSA approved the Claimant for social security benefits (SSI) with the disability onset date of April 9, 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.

In this case, the Claimant is found disabled for purposes of the MA-P program and SDA 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 benefit program.

Accordingly, it is ORDERED:

- 1. The Department's determination that the Claimant was not disabled is REVERSED.
- The Department shall in itiate processing of (if not previously done so) the April 24, 2012 applie ation, 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 issue a supplement to the Claimant for SDA benefits the Claimant was otherwise entitled to receive in accordance with Department policy.

Lynn M. Ferris`

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

Date Signed: February 14, 2013

Date Mailed: February 14, 2013

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:
 - 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

LMF/cl

cc: