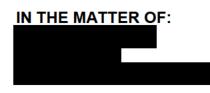
## STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES



Reg No.: 2012-7574 Issue No.: 2009 Case No.: Hearing Date: February 16, 2012 Wayne County DHS (19)

## 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 hearing was held in Detroit, Michigan on Thursday, February 16, 2012. The Claimant appeared, along with and testified. The Claimant was represented by appeared on behalf of the 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 s ubmission of additiona I medical records. The evidence was received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On June 22, 2012, this office received th e SHRT det ermination 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").

### 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:

1. The Claimant submitt ed an application for public assistance seeking MA-P benefits, retroactive to June 2011, on July 28, 2011.

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- 2. On September 26, 2011, the Medical Review Team ("MRT") found the Claimant not disabled.
- 3. The Department notified the Claimant of the MRT determination on September 30, 2011.
- 4. On October 10, 2011, t he Department received the Claimant's timely written request for hearing.
- 5. On December 6, 2011, the State Hearing Review Team ("SHRT") found the Claimant not disabled.
- 6. Subsequently, the SSA found the Claimant disabled.
- 7. On June 18, 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 Independenc e Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Elig ibility 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.

In this case, the SSA approved the Claim ant for social s ecurity 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.

### **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 benefit programs.

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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 Claimant's application for MA-P dated July 28, 2011, retroactive to June 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 t he Claimant and his Authorized Hearing Representative 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.

Collein M. Mamilka

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

Date Signed: June 28, 2012

Date Mailed: June 28, 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 **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.

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- 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

consideration/Rehearing Request Re P. O. Box 30639 Lansing, Michigan 48909-07322

#### CMM/cl

