

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-13023
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 27, 2012
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative 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 Madison Heights, Michigan, on Monday, February 27, 2012. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Claimant stated that she had been approved for disability by the Social Security Administration ("SSA") with a disability onset date of December 2009. As a result, the parties agreed to extend the record to allow for the submission of the decision.

ISSUE

Whether the Department properly 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 the 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 retroactive to July 2011, on August 3, 2011.
2. On September 29, 2011, the Medical Review Team ("MRT") found the Claimant not disabled.

3. The Department notified the Claimant of the MRT determination.
4. On November 17, 2011, the Department received the Claimant's timely written request for hearing.
5. On December 21, 2011, the State Hearing Review Team ("SHRT") found the Claimant not disabled.
6. Subsequently, the SSA found the Claimant disabled with a disability onset date of December 2009.

CONCLUSIONS OF LAW

MA-P is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department, formerly known as the Family Independence Agency, administers the MA-P 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 Bridges Reference Tables ("RFT").

A previously denied MA-P application is treated as a pending application when MRT determines the Claimant was not disabled and, subsequently, the SSA determines that the Claimant is entitled to SSI (RSDI) based on his disability/blindness for some, or all, of the time covered by the denied MA-P application. BEM 260. All eligibility factors must be met for each month MA-P is authorized. BEM 260.

In this case, the SSA approved the Claimant for Social Security benefits with the disability onset date of December 2009. 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 the above findings of fact and conclusions of 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.
2. The Department shall initiate processing of (if not previously done so) the August 3, 2011, application, to include all applicable retroactive months, to determine if all other non-medical criteria are met and inform the Claimant and her Authorized

Hearing Representative of the determination in accordance with Department policy.

3. 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 August 3, 2011 application.

Colleen M. Mamelka

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

Date Signed: March 15, 2012

Date Mailed: March 15, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision 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 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 **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.

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Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/pf

cc:

