

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012-46287
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: July 30, 2012
Macomb County DHS (20)

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 Warren, Michigan on Monday, July 30, 2012. The Claimant appeared, along with [REDACTED], and testified. The Claimant was represented by [REDACTED]. Participating on behalf of the Department of Human Services ("Department") by telephone was [REDACTED] (Wayne 55).

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

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 SDA and MA-P benefits, retroactive to October, on December 9, 2011. (Exhibit 1, pp. 80 – 99)
2. On March 22, 2012, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 1, 2)
3. The Department notified the Claimant of the MRT determination on March 30, 2012. (Exhibit 1, p. 100)

4. On March 29, 2012, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 103)
5. On May 31, 2012, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 3)
6. On June 19, 2012, the Security Administration ("SSA") found the Claimant disabled with a disability onset date of April 2012. (Exhibit 4)

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 Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("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.

Retro MA coverage is available back to the first day of the third calendar month prior to the SSI entitlement date. BAM 115.

In this case, the SSA approved the Claimant for social security benefits with the disability onset date (entitlement date) of April 2012. The Claimant is not appealing the determination. As such, the SSA determination is binding on the Claimant's MA-P case. In applying BAM 115, the Claimant is found disabled effective January 2012. The Claimant is found not disabled for the months of October 2011 through December 2011.

The State Disability Assistance program, which provides financial 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 policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Claimant is found disabled for purposes of the MA-P program effective January 2012 (retroactive month); therefore, she is found disabled for purposes of SDA benefit program effective January 2012. The Claimant is found not disabled for purposes of the SDA program for December 2011.

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 and SDA benefit programs effective January 2012.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled for the months of October through December 2011 is AFFIRMED.
2. The Department's determination that the Claimant was not disabled effective January 2012, is REVERSED.
3. The Department shall initiate processing of (if not previously done so) the December 9, 2011 application effective January 2012 forward, to determine if all other non-medical criteria are met and inform 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 eligible and qualified effective January 2012 forward in accordance with department policy.

Colleen M. Mamelka

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

Date Signed: August 7, 2012

Date Mailed: August 7, 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.

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/cl

cc:

