

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.: 2012-47820
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 9, 2012
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held in Inkster, Michigan on August 9, 2012. Claimant appeared, along with [REDACTED] Case Manager, Team Mental Health, and testified. Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional evidence. Subsequently, Claimant submitted information that the Social Security Administration (SSA) found Claimant disabled with a disability onset date of January 1, 2007.

ISSUE

Whether the Department properly found Claimant not disabled for purposes of the Medical Assistance (MA) benefit program.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds a material fact:

1. Claimant submitted an application for public assistance seeking MA benefits and MA retroactive benefits on October 20, 2010.

2. On December 14, 2011, the Medical Review Team (MRT) found Claimant not disabled.
3. On December 22, 2011, the Department notified Claimant of the MRT determination.
4. On February 28, 2012, the Department received Claimant's timely written request for hearing.
5. On June 9, 2012, the State Hearing Review Team (SHRT) found Claimant not disabled.
6. Subsequently, SSA found Claimant disabled with a disability onset date of January 1, 2007.

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 ("DHS"), formerly known as the Family Independence Agency, 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 Manual ("BRM").

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 RSDI 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

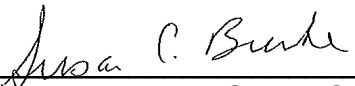
In this case, the SSA approved the Claimant for benefits with the disability onset date of January 1, 2007. Because of the favorable Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that Claimant meets the definition of medically disabled under the MA program.

Accordingly, it is ORDERED:

1. The Department's MA decision is REVERSED.
2. The Department shall open an ongoing MA case for Claimant based on the October 20, 2010 application.
3. The Department shall review Claimant's continued eligibility in October of 2013, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 25, 2012

Date Mailed: September 25, 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,

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- 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

SCB/cl

cc:

[REDACTED]

Wayne County DHS (19)/DHS-1843

[REDACTED]

S.

Burke