

**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.: 2012-67676
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: January 2, 2013
County: Gogebic

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 Bessemer, Michigan on January 2, 2013. Claimant appeared by phone and testified. [REDACTED], ES, appeared on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department properly found Claimant 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 a material fact:

1. Claimant submitted an application for public assistance seeking MA-P and SDA benefits on May 1, 2012.
2. On July 9, 2012, the Medical Review Team (MRT) found Claimant not disabled.
3. On July 19, 2012, the Department notified Claimant of the MRT determination.
4. On July 30, 2012, the Department received Claimant's timely written request for hearing.

5. On September 6, 2012, the State Hearing Review Team (SHRT) found Claimant not disabled.
6. Subsequently, the Social Security Administration (SSA) found Claimant disabled with a disability onset date of March 2, 2012.

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, SSA determines that the Claimant is entitled to SSI based on her disability/blindness for some, or all, of the time covered by the denied MA application. All eligibility factors must be met for each month MA is authorized.

In this case, the SSA approved Claimant for benefits with the disability onset date of March 2, 2012. Because of the favorable Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM 150.

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 Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in BAM, BEM, and BRM. 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 or RSDI 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.

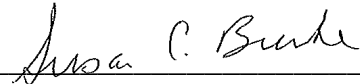
In this case, Claimant is found disabled for purposes of the MA-P program; therefore, she is found disabled for purposes of SDA benefit program.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P and SDA benefit programs as of March 2, 2012.

Accordingly, it is ORDERED:

1. The Department's decision is REVERSED.
2. The Department shall open an ongoing MA and SDA case for Claimant based on May 1, 2012 application.
3. The Department shall supplement for any lost benefits that Claimant was entitled to receive, if otherwise eligible.
4. The Department shall review Claimant's continued eligibility in February of 2014, in accordance with Department policy.



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

Date Signed: January 14, 2013

Date Mailed: January 14, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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