

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

IN THE MATTER OF:

[REDACTED]

Reg No.: 2012 69391
Issue No.: 2009,
Case No.: [REDACTED]
Hearing Date: November 21, 2012
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was conducted from Detroit, Michigan on November 21, 2012. The Claimant appeared and testified. [REDACTED], the Claimant's Authorized Hearing Representative, also appeared. Linda Deering also appeared as a witness for the Claimant. [REDACTED] FIM, appeared on behalf of the Department of Human Services ("Department").

After the hearing, the State Hearing Review Team presented a fully favorable disability determination from the Social Security Administration ("SSA") showing a disability onset date of November 1, 2011.

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 MA-P and State Disability Assistance (SDA) on February 3, 2012.

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2. On July 6, 2012 at redetermination the Medical Review Team (“MRT”) found the Claimant not disabled.
3. The Department notified the Claimant of the MRT determination on July 11, 2012.
4. On August 7, 2012 the Department received the Claimant’s timely written request for hearing.
5. On September 25, 2012, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.
6. An Interim Order was entered on November 29, 2012 which ordered the Claimant obtain updated medical information.
7. On January 14, 2013 the new evidence was submitted to the State Hearing Review Team.
8. On March 12, 2013 the State Hearing Review Team advised that the Claimant was approved by the Social Security Administration and found disabled on January 30, 2013 as of November 1, 2011.
9. The SSA found the Claimant disabled with a disability onset date of November 1, 2011.

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 Bridges 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

In this case, the SSA approved the Claimant for social security benefits with the disability onset date of November 1, 2011. Based on the favorable SSA determination,

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it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BEM 260.

With regard to the SDA program, a person is considered disabled for the purposes of SDA, if the person has a physical or mental impairment which meets federal SSI disability standards for at least 90 days. As the Claimant meets the federal standards for SSI disability as addressed above, the undersigned concludes that the Claimant is disabled for the purposes of the SDA program as well.

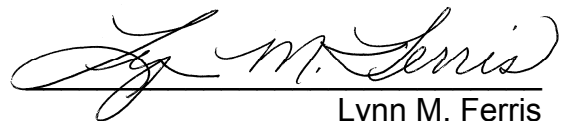
In this case, the Claimant is found disabled for purposes of the MA-P program and the SDA benefit program.

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 based upon the SSA approval of disability.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant was not disabled is REVERSED.
2. The Department shall initiate processing of the Claimant's February 3, 2012 application and process the application (if the Department has not previously done so), to determine if all other non-medical criteria are met and inform the Claimant of the determination in accordance with Department policy.
3. The Department shall issue a supplement to the Claimant for SDA benefits the Claimant was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 27, 2013

Date Mailed: March 27, 2013

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

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cc:

