



2. On May 21, 2012, the Medical Review Team (“MRT”) found Claimant not disabled. (Exhibit 1, pp. 1, 2)
3. The Department notified Claimant of the MRT determination.
4. On July 13, 2012, the Department received Claimant’s written request for hearing.
5. On September 7, 2012, the State Hearing Review Team (“SHRT”) found Claimant not disabled. (Exhibit 3)
6. On November 1, 2012, the SSA approved Claimant for RSDI benefits with a disability onset date of June 5, 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, 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 person eligible for RSDI benefits based on disability or blindness meets the disability or blindness criteria. BEM 260 (October 2011), p. 1. Disability or blindness starts from the RSDI disability onset date established by the SSA. BEM 260, p. 1. A previously denied application is treated as if it is a pending application when the reason for the denial was that the MRT determined the individual was not disabled and subsequently the SSA finds the individual entitled to RSDI based on disability for some or all the time covered by the denied MA application. BEM 260, p. 1.

In this case, Claimant submitted an application to the SSA on April 30, 2012. On November 1, 2012, the SSA approved for RSDI with a disability onset date of June 5, 2012. Pursuant to BEM 260, Claimant is found disabled effective June 2012 ongoing. Pursuant to BEM 260, Claimant is found not disabled for the months of February 2012 through May 2012. Accordingly, the Department’s denial of MA-P benefits is AFFIRMED in part, REVERSED in part.

### **DECISION AND ORDER**

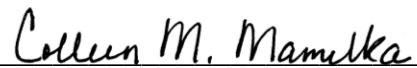
The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds Claimant not disabled for the months of February through May 2012 and

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finds Claimant disabled effective June 2012, ongoing pursuant to the favorable SSA determination.

Accordingly, it is ORDERED:

1. The Department's determination is AFFIRMED for the months of February 2012 through May 2012.
2. The Department's determination that Claimant is not disabled effective June 2012 ongoing is REVERSED.
3. The Department shall initiate processing of the March 15, 2012 MA-P application to determine Claimant's MA eligibility effective June 2012 in accordance with Department policy.
4. The Department shall notify Claimant, and her Authorized Hearing Representative, in writing of the determination in accordance with Department policy.
5. The Department shall supplement for lost benefits (if any) that Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



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

Date Signed: June 17, 2013

Date Mailed: June 17, 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)

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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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