

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

IN THE MATTER OF:

[REDACTED]

Reg No: 201269180
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: November 27, 2012
County DHS: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 held on November 27, 2012. The Claimant appeared with witnesses, [REDACTED] and [REDACTED], and each testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medical Assistance and State Disability applications?

FINDINGS OF FACT

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

1. Claimant applied for MA-P and SDA on [REDACTED].
2. The Medical Review Team denied the application on [REDACTED].
3. Claimant filed a request for hearing on [REDACTED], regarding the MA and denials.
4. A telephone hearing was held on November 27, 2012.
5. On [REDACTED], the State Hearing Review Team denied the application.
6. Claimant is 5' 8" tall and weighs 167 pounds having gained 30 pounds in the last year.
7. Claimant is 56 years of age.

8. Claimant's impairments have been medically diagnosed as bipolar disorder and schizophrenia.
9. Claimant has the following symptoms: pain, fatigue, dizziness, insomnia, panic attacks, memory and concentration problems, and suicidal thoughts.
10. Claimant completed high school.
11. Claimant is able to read, write, and perform basic math skills.
12. Claimant is not currently working.
13. Claimant last worked at a gas station in 2005.
14. Claimant lives alone.
15. Claimant testified that she can perform household chores.
16. The Claimant's limitations have lasted for 12 months or more.
17. Claimant was found to be disabled by the Social Security Administration as of August, 2011, pursuant to a notice of decision dated November, 2012.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for RSDI benefits based upon disability, and has presented prima facie evidence of the

same. This disability was found by the Social Security Administration to have an onset date of August, 2011, prior to Claimant requesting MA-P. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P.

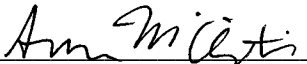
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled for the purposes of the MA and retroactive MA programs as of August, 2011, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, **REVERSED**.

The Department is ORDERED to process Claimant's SDA and Medicaid applications of [REDACTED], and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in December, 2013.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/02/2012

Date Mailed: 01/03/2012

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 60 days of the filing of the original request.

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

AM/kl

cc:

