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

### IN THE MATTER OF THE CLAIM OF:



Reg No.: 2013-18383

Issue No.: 2009

Case No.:

Hearing Date: March 13, 2013

County: Wayne (15)

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 the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan on March 13, 2013. Claimant appeared and testified. Claimant was represented by 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) 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-P benefits on August 23, 2012.
- 2. On November 20, 2012, the Medical Review Team (MRT) found Claimant not disabled.
- 3. On November 21, 2012, the Department notified Claimant of the MRT determination.

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- 4. On December 10, 2012, the Department received Claimant's timely written request for hearing.
- 5. On February 7, 2013, the State Hearing Review Team (SHRT) found Claimant not disabled.
- 6. Subsequently, the Social Security Administration (SSA) found Claimant entitled to SSI as of October 2012, and found Claimant to be blind as of August 24, 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").

Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement. BEM 150

In this case, the SSA approved Claimant for SSI benefits as of October of 2012, and found Claimant to be blind as of August 24, 2012. In addition to Claimant being approved for SSI as of October of 2012, Claimant also met the disability requirement of meeting Social Security Listing 2.00, as of August 24, 2012. Claimant also testified credibly at the hearing that he is not currently working.

Claimant is therefore found disabled for purposes of the MA-P program as of August of 2012.

## **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 program.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.

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- The Department shall initiate processing of the August 23, 2012 application to determine if all other non-medical criteria are met and inform Claimant of the determination in accordance with Department policy.
- 3. The Department shall review Claimant's continued eligibility in September of 2014, in accordance with Department policy.

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

Date Signed: July 16, 2013 Date Mailed: July 16, 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. SCB/tm

