

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-44802
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 28, 2013
County: Wayne DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on August 28, 2013, from Redford, Michigan. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether Claimant is entitled to a reinstatement of a Medical Assistance (MA) application following a finding of disability by the Social Security Administration.

FINDINGS OF FACT

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

1. On [REDACTED]/11 Claimant applied for MA benefits.
2. On [REDACTED]/13, the Medical Review Team (MRT) determined that Claimant was not a disabled individual (see Exhibits 2-3).
3. On [REDACTED]/13, DHS denied Claimant's application for MA benefits and mailed a Notice of Case Action to Claimant and Claimant's AHR.
4. On an unspecified date, SSA determined Claimant to be a disabled individual beginning with benefit month [REDACTED]/2012.

5. On [REDACTED]/13, Claimant's AHR requested a hearing to dispute the denial of MA benefits from [REDACTED]/2012.
6. On [REDACTED]/13, the State Hearing Review Team (SHRT) determined that Claimant was not a disabled individual, in part, by determining that drug and/or alcohol was material to a determination of disability and/or Claimant did not have a severe impairment.

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").

Prior to a substantive analysis of Claimant's hearing request, it should be noted that Claimant's AHR noted special arrangements in order to participate in the hearing; specifically, an in-person hearing was requested. Claimant's AHR's request was granted and the hearing was conducted accordingly.

Claimant's AHR requested a hearing to dispute a failure by DHS to process Claimant's MA benefit application following a determination by SSA that Claimant was a disabled individual. It was not disputed that DHS denied Claimant's MA benefit application dated [REDACTED]/11 based on a determination that Claimant was not disabled. It was not disputed that Claimant was given a disability onset date of [REDACTED]/2012 by SSA.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his/her disability or blindness meets the disability or blindness criteria. BEM 260 (7/2012), p. 1. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). *Id.* DHS is to process a previously denied application as if it is a pending application when all of the following are true:

- The reason for denial was that the MRT determined the client was not disabled or blind, and
- The Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application.

Id.

DHS half-heartedly contended that there was no obligation to process Claimant's application because the SSA determined Claimant to be disabled for a month after Claimant's application month. The DHS contention is unsupported by policy. It is found that Claimant is entitled to a determination of disability beginning with [REDACTED]/2012, the onset date of disability as determined by SSA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant met the definition of medically disabled for purposes of MA benefit eligibility. It is ordered that DHS:

- (1) re-register Claimant's application dated [REDACTED]/11;
- (2) evaluate Claimant's eligibility for MA benefits subject to the finding that Claimant was a disabled individual as of [REDACTED]/2012; and
- (3) initiate a supplement for any benefits not received as a result of the improper denial.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 9/20/2013

Date Mailed: 9/20/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

2013-44802/CG

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

