

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-22149
Issue No.: 2009, 4009
Case No.: [REDACTED]
Hearing Date: April 29, 2014
County: Kent

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

At the conclusion of the hearing, the record was held open at Claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT) in accordance with policy as articulated in Bridges Administrative Manual (BAM) 600 (August 1, 2012).

During the hearing, the Claimant waived the statutory time standards for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received and forwarded to the State Hearing Review Team ("SHRT") for consideration in accordance with policy as articulated in Bridges Administrative Manual (BAM) 600.

On June 17, 2014, this office received the SHRT determination which approved the Claimant for Medical Assistance based on disability ("MA-P"/SDA) effective August 2013, for MA-P and SDA (per BEM 261).

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P/SDA")?

FINDINGS OF FACT

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

1. On August 16, 2013, the Department of Human Services (Department) received Claimant's application for MA-P/SDA benefits.
2. In October 2013, the Medical Review Team (MRT) determined that Claimant did not meet the disability standard for MA-P/SDA benefits.
3. On October 29, 2013, the Department sent Claimant written notice that Claimant was denied MA-P/SDA benefits.
4. On January 7, 2014, the Department received Claimant's hearing request, protesting the denial of MA-P/SDA benefits.
5. SHRT approved Claimant's claim of disability after receiving the additional medical documentation and scheduled a medical review date for June 2015.

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, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness automatically qualifies an individual as disabled for purposes of the SDA program.


Because of the SHRT determination of disability, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Bridges Administrative Manual 600. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done.

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/SDA programs.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant is not disabled is not upheld.
2. The Department shall initiate processing of the Claimant's, application for MA-P/SDA benefits, retroactive to August 2013. For MA-P, per BEM 260 and SDA per BEM 261, to determine if all other non-medical criteria are met pursuant to Department policy based on the SHRT determination.
3. The Department shall notify the Claimant of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.



William A. Sundquist
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 06/25/2014

Date Mailed: 06/27/2014

NOTICE OF APPEAL: 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.

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).

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

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

WAS/sw

cc:

