

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

IN THE MATTER OF:



MAHS Reg. No.: 14-013236-RECON
Issue No.: 2009, 4009
Agency Case No.: [REDACTED]
Hearing Date: October 29, 2015
County: Oakland (2) Madison Hts.

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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; 45 CFR 205.10; and Order Granting Request for Rehearing issued September 10, 2015. After due notice, a telephone hearing was held on October 29, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. A witness for Petitioner, [REDACTED] also appeared. The Department of Health and Human Services (Department) was represented by Crystal Cusic-Spencer, Assistance Payments Worker.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA) and/or State Disability Assistance (SDA) benefit programs?

FINDINGS OF FACT

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

1. The Petitioner applied for SDA program benefits on June 27, 2014.
2. The Medical Review Team (MRT) denied the application on November 17, 2014; and the Department issued a Notice of Case Action on November 19, 2014, denying the Petitioner's request for SDA.
3. An Order Granting Request for Rehearing was issued by Jonathan W. Owens, Administrative Law Judge/Manager on September 10, 2015.
4. At the hearing conducted on October 29, 2015, the Department presented an State Online Query (SOLQ) indicating the Petitioner was found disabled with a fully favorable decision issued by the Social Security Administration (SSA), which

found Petitioner eligible for SSI with an onset date of November 10, 2013. Exhibit A.

5. The Petitioner's application for SDA was made on June 27, 2014; and thus, the Petitioner is deemed disabled for purposes of SDA as of June 27, 2014.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), and Department of Health and Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least 90 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.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on disability or blindness meets the disability or blindness criteria. BEM 260 (July 1, 2015), p. 1. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). BEM 260, p. 1-2. A previously denied application is treated as if it is a pending application when the reason for the denial was that the Medical Review Team (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. 2. If a client is not eligible for RSDI based on disability or blindness, MRT certifies disability or blindness. BEM 260, p. 3.

To be automatically eligible for MA, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150 (October 1, 2105), p. 1. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150, p. 1. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement for SSI. BEM 150 p. 1; BAM 115 (October 1, 2015), p. 10. A separate determination of eligibility must be made for each of the three retro months. BAM 115, p. 2. To be eligible for a retro MA month, the person must meet all financial

and non-financial (i.e., be disabled) factors in that month and have unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115, p. 13-14. A DHS-1171 (application) is not required for SSI recipients. BAM 115, p. 10.

In this case, the Department presented an SOLQ, which confirmed Petitioner's eligibility for SSI with a disability onset date of November 10, 2013; and thus, the Petitioner is deemed disabled as of the SDA application date of June 27, 2014. Exhibit A.

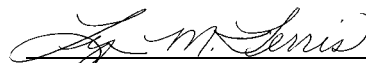
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds Petitioner disabled for purposes of the MA and/or SDA benefit programs.

DECISION AND ORDER

Accordingly, the Department's determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall re-register and initiate processing of the Petitioner's SDA application dated June 27, 2014, and determine Petitioner's non medical eligibility criteria are met as required by Department policy.
2. The Department shall issue a Supplement to the Petitioner for any SDA benefits she is otherwise entitled to receive in accordance with Department policy.
3. The Department shall notify the Petitioner of its determination in accordance with Department Policy.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **10/30/2015**

LMF/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

[REDACTED]

Oakland-District 2 (Madison Hts)

BSC4

[REDACTED]

EQAD

[REDACTED]

L. M. Ferris

MAHS