

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-55859
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 10, 2011
DHS County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, an in-person hearing was held on February 10, 2011, in Madison Heights, MI. Claimant appeared and testified. Claimant was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

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

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 June 4, 2010, Claimant applied for MA-P and retro MA-P to May 2010.
2. On August 28, 2010, the Medical Review Team denied Claimant's request.
3. On September 17, 2010, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 50 years old.
6. Claimant completed education through a GED.

7. Claimant has not worked since 1984.
8. Claimant suffers from gunshot wound to the back, fractured knee, dislocated shoulder, asthma, depression, anxiety and post traumatic stress disorder.
9. On May 25, 2011 the Social Security Administration (SSA) issued a fully favorable Supplemental Security Income (SSI) decision. Claimant applied for SSI on June 7, 2010, alleging disability beginning June 1, 2010. The SSA Administrative Law Judge found Claimant had no past relevant work experience (meaning no relevant past employment for the preceding 15 years).
10. On August 10, 2011, SHRT approved MA coverage effective June 1, 2010, based upon the SSI approval. SHRT erroneously denied retro months indicating Claimant was denied those months in question by SSA when, in fact, SSA had determined no past relevant work experience, as mentioned above.

CONCLUSIONS OF LAW

MA-P 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 administers MA-P 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 (RFT).

Because of the SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BEM Item 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning May 2010. Per BAM 115, Claimant's MA-P is approved beginning the month of May 2010, since the SSA determined that Claimant was entitled to SSI effective June 2010 and policy allows up to three months retro MA from date the of SSI entitlement.

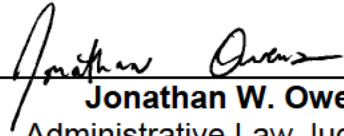
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of May 2010.

Accordingly, the Department is hereby ORDERED to:

1. Re-register MA application dated June 4, 2010 including retro for May 2010; and

2. Initiate reprocessing of application and open ongoing MA case for Claimant effective May 2010.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 24, 2011

Date Mailed: August 24, 2011

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.

JWO/pf

cc:

