

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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, an in-person hearing was held on [REDACTED]. Claimant was not present, but was represented [REDACTED].

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA eligibility purposes?

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 [REDACTED], claimant applied for MA/retro-MA.
2. On [REDACTED], the department's State Hearing Review Team (SHRT) issued a prehearing denial of claimant's application stating the claimant retained the capacity to perform at least unskilled medium work.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted claimant's attorney's request for a record extension to submit updated examination and treatment documents.

4. These documents were submitted to SHRT for a post-hearing review.
5. On [REDACTED], SHRT reversed its earlier denial of claimant's disputed MA/retro-MA application based on Vocational Rule 201.00(H) with coverage retroactively determined, starting [REDACTED]
[REDACTED]

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to her [REDACTED] application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, SHRT's decision is AFFIRMED and claimant's disputed [REDACTED] application shall be processed with benefits awarded retroactive to [REDACTED] non-financial requirements necessary to receive them. Additionally, the local office shall initiate an MA review by [REDACTED] to determine claimant's eligibility for continued MA, as specified on [REDACTED]
SO ORDERED.

/s/ _____

[REDACTED]

Date Signed: 4/7/11

Date Mailed: 4/7/11

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 receipt 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.

[REDACTED]