

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

IN THE MATTER OF:

[REDACTED]

Reg No. 2011-29016
Issue No. 2009
Case No. [REDACTED]
Hearing Date: November 29, 2011
Branch County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 November 29, 2011. Claimant was present, and represented by [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 July 8, 2011, Claimant applied for MA/Retro-MA benefits.
2. On May 4, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application.
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 March 8, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on a Partially Favorable

Social Security Decision, with an established on-set date of 4/30/10, which was attached to the SHRT decision.

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 Reference Tables Manual (RFT).

In the present case, SHRT reversed its earlier finding of lack of disability based on the SSA's disability allowance, received while Claimant's appeal was pending, currently establishing Claimant is disabled and has been disabled at all times relevant to his MA/Retro-MA application.

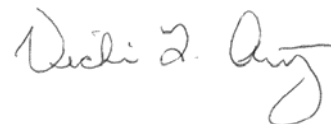
DECISION AND ORDER

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 the Partially Favorable Social Security Disability decision reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and it is Ordered that:

1. The department shall approve MA/Retro-MA benefits effective April 2010 for Claimant as long as he is otherwise eligible to receive them.
2. Departmental review of Claimant's medical condition is not necessary as long as his SSA disability status continues.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 3/13/12

Date Mailed: 3/13/12

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.

VLA/ds

■ [REDACTED]