

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-41597
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 17, 2011
DHS County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held from Detroit, Michigan on August 17, 2011. The claimant was present, testified and was represented by her father, [REDACTED]

ISSUE

Did the Department of Human Services (Department) properly deny the claimant's application for Medical Assistance (MA)?

FINDINGS OF FACT

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

1. On February 10, 2011, the Claimant, applied for MA claiming disability.
2. On March 14, 2011, the Department denied the claimant's MA application.
3. On March 22, 2011, the claimant filed for a hearing.

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 (formerly known as the Family Independence Agency) 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).

During the hearing the claimant and her father representative claimed that the claimant was disabled because she could not work full-time without medication. This attempt at establishing a qualifying disability fails because the claimant herself states that with medication she can work full-time.

The claimant suffers from a hyperthyroid condition, bi-polar and anxiety disorders. All of these conditions can be addressed with medication that would allow the claimant to work full time.

Disability

A person is **disabled** when **all** of the following are true:

He has a medically determined physical or mental impairment.

His impairment prevents him from engaging in any substantial gainful activity.

His impairment

Can be expected to result in death, or
Has lasted at least 12 consecutive months, or
Is expected to last at least 12 consecutive months.
(BEM 260, p. 8).

Here, the claimant admits that her conditions do not prevent her from engaging in substantial gainful activity as long as she is medicated.

This Administrative Law Judge finds that the claimant is not disabled for the purpose of qualifying for MA.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Administrative
for
Department

Date Signed: August 29, 2011

Date Mailed: August 29, 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.

MJB/cl

cc:

