

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-43861  
Case No: [REDACTED]  
Issue: 2009  
Hearing Date  
November 9, 2011  
Monroe 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 9, 2011. Claimant and Claimant's representative, [REDACTED], personally appeared and provided testimony.

**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 October 28, 2010, Claimant applied for MA/retro-MA.
2. On April 13, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application stating the medical evidence of record indicates that Claimant is capable of performing other work, pursuant to 20 CFR 416.920(f). Retro-MA was also considered and denied.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record extension to submit updated examination and treatment documents.
4. On November 10, 2011, and December 11, 2011, the department submitted additional medical documentation on behalf of Claimant.

5. Claimant's medical file was then submitted to SHRT for a post-hearing review on December 11, 2011.
6. On December 16, 2011, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on impairment listing 3.03(B) with coverage retroactively determined, beginning July 1, 2010.

### **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 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 October 28, 2010, 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 additional medical evidence reviewed for the first time after the hearing.

Accordingly, SHRT's decision is AFFIRMED and Claimant's disputed MA/Retro-MA application shall be processed with benefits awarded retroactive to July 2010, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, the local office shall initiate an MA review by December 2012 to determine Claimant's eligibility for continued MA, as specified on SHRT's decision dated December 16, 2011.

It is SO ORDERED.

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

Date Signed: 12/20/11

Date Mailed: 12/20/11

VLA/ds

