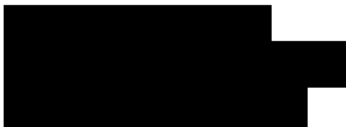


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-46666
Case No: [REDACTED]
Hearing Date
November 10, 2011
Montcalm 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, a telephone hearing was held on November 10, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid (MA) and 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 May 19, 2011, Claimant applied for MA/Retro-MA.
2. On June 22, 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's condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P was denied due to lack of duration under CFR 416.909. 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 16, 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 November 17, 2011.
6. On December 13, 2011, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on impairment listing 13.14 with coverage retroactively determined, beginning February 1, 2011.

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 May 19, 2011 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 February 2011, 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 13, 2011.

It is SO ORDERED.

/S/

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

Date Signed: 12/15/11

Date Mailed: 12/15/11

VLA/ds

