

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 2011-11089
No.: 2009
Case No.: [REDACTED]
Hearing Date: May 11, 2011
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 May 11, 2011. The Claimant appeared and testified along with [REDACTED] Medical Contact Worker, appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's MA-P application?

FINDINGS OF FACT

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

1. Claimant applied for MA-P on September 16, 2010.
2. The Medical Review Team denied the application on November 30, 2010.
3. Claimant filed a request for hearing on December 8, 2010 regarding the MA denial.
4. A hearing was held on May 11, 2011.
5. On January 18, 2011 the State Hearing Review Team denied the application because the Claimant's condition was improving or expected to improve within 12 months.

6. Claimant is 6'6" tall and weighs 215 pounds.
7. Claimant is 32 years of age.
8. Claimant's impairments have been medically diagnosed as diabetes, back pain, knee pain.
9. Claimant has the following symptoms: pain and fatigue.
10. Claimant completed some college.
11. Claimant is able to read, write, and perform basic math skills.
12. Claimant is not currently working.
13. Claimant last worked in 2010.
14. Claimant lives with his parents.
15. Claimant testified that he cannot perform some household chores.
16. The Claimant's limitations have lasted for 12 months or more.
17. Claimant was found to be disabled by the Social Security Administration as of July 2010 according to a notice of award dated June 13, 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 Bridges Reference Manual (BRM).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the Claimant was found by the Social Security Administration to be eligible for RSDI benefits based upon disability, and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to have an onset date of July 1, 2010, two months prior to Claimant requesting MA-P. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled for the purposes of the MA program, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process Claimant's Medicaid application of September 6, 2010, and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in June 2012.

Aaron
Administrative
for
Department



McClintic
Law Judge
Ismael Ahmed, Director
of Human Services

Date Signed: June 27, 2011

Date Mailed: June 27, 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.

AM/cl

cc:

