

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

**IN THE MATTER OF:**



Reg. No.: 2011-14743  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: June 6, 2011  
DHS County: Macomb (50-36)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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 hearing was held on June 6, 2011. Claimant appeared and testified.

**ISSUE**

Whether the Department of Human Services (DHS or Department) properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

**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 August 12, 2010, Claimant applied for MA-P and retro MA-P to June 2010.
2. On September 16, 2010, the Medical Review Team denied Claimant's request.
3. On December 13, 2010, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant's limitations have lasted for 12 months or more.
6. Claimant suffers from fibromyalgia, depression, rheumatoid arthritis, osteoarthritis, pyoderma gangrenosa/gangrenosum and degenerative disc disease.

7. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
8. On February 20, 2011, the Social Security Administration found the Claimant disabled effective August 15, 2008.

### **CONCLUSIONS OF LAW**

MA-P 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 administers MA-P 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).


Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BEM, Item 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done beginning June 2010.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of June 2010.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective June 2010.

  
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**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 22, 2011

Date Mailed: June 22, 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.

JWO/pf

cc:

