

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-1518
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 16, 2011
DHS County: Macomb

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, an in-person hearing was held on February 16, 2011, in Warren, MI. Claimant appeared and testified. Claimant was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Whether the 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 February 9, 2009, Claimant applied for MA-P and retro MA-P to November 2008.
2. On August 23, 2010, the Medical Review Team denied Claimant's request.
3. On September 23, 2010, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 24 years old.

6. Claimant completed education through high school and medical assistant certification.
7. Claimant has employment experience as follows: [REDACTED] November through January 2010 for holiday season and still works there once a month completing floor resetting; [REDACTED] April 2010 through August 2010 (20 hours per week at \$8 per hour); [REDACTED] March 2010 (10-15 hours per week for minimum wage); doctor's office as medical assistant August 2007- April 2008. Her most recent experience is as a medical assistant.
8. Claimant suffers from Crohn's disease, asthma, anxiety, hyperthyroidism and depression.
9. On April 7, 2011, the Social Security Administration (SSA) issued a fully favorable Supplemental Security Income (SSI) decision. Claimant applied for SSI on December 30, 2009, alleging disability beginning January 1, 2009.
10. On August 10, 2011, SHRT approved MA coverage effective April 2010 based upon the SSI approval.

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 (RFT).

Because of the SSA 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 November 2008. Since the SSA determined that Claimant was entitled to SSI effective January 2009 and policy contained in BAM 115 allows up to three months retro MA from date of SSI entitlement, MA retroactive to November is approved.

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 November 2008.

Accordingly, the Department is hereby ORDERED to:

1. Re-register Claimant's MA application dated February 9, 2009, including retro to November 2008;
2. Initiate reprocessing of application and open ongoing MA case for Claimant effective November 2008



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

Date Signed: August 25, 2011

Date Mailed: August 25, 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:

