

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-488182

Case No: [REDACTED]

November 22, 2011

Kalamazoo 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 22, 2011. Claimant, represented [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 March 29, 2011, Claimant applied for MA/retro-MA.
2. On September 29, 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 January 27, 2012, Claimant submitted additional medical documentation.
5. Claimant's medical file was then submitted to SHRT for a post-hearing review on January 30, 2012.
6. On March 2, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on impairment listing 4.02 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 his March 29, 2011 MA/Retro-MA application.

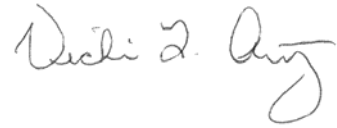
DECISION AND ORDER

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 March 2013 to determine Claimant's eligibility for continued MA.

2011-48182/VLA

It is SO ORDERED.



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

Date Signed: 3/14/12

Date Mailed: 3/14/12

VLA/ds

