

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

IN THE MATTER OF:



Reg No. 2012-12120
Issue No. 2009; 4031
Case No. [REDACTED]
Hearing Date: January 17, 2012
Ottawa 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 January 17, 2012. Claimant personally appeared and provided testimony.

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical evidence. The new evidence was forwarded to the State Hearing Review Team ("SHRT") for consideration. On March 16, 2012, the SHRT found Claimant was disabled for MA-P and SDA, and denied Retro-MA. This matter is now before the undersigned for a final decision.

ISSUE

Did the department properly determine Claimant's disability status for Retro-Medicaid (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 August 2, 2011, Claimant applied for MA/Retro-MA and SDA.
2. On November 1, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating Claimant was capable of performing other work.

3. On November 14, 2011, Claimant submitted a hearing request protesting the department's denial of his MA/Retro-MA/SDA application.
4. On March 16, 2012, the SHRT reversed its earlier denial of Claimant's disputed MA and SDA application based on Vocational Rule 201.12 effective January 2012. The SHRT denied Retro-MA using Vocational Rule 202.13, which the SHRT applied to Claimant prior to age 50.

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 (RTM).

In the present case, the SHRT reversed its earlier finding of lack of disability based on Claimant's vocational profile, advanced age, 12th grade education and a semi-skilled work history. This vocational profile establishes Claimant is currently disabled, and has been disabled since turning 50 in January 2012, based on Vocational Rule 201.12.

Based on SHRT's finding that Claimant was disabled with an onset date of January 2012, the only remaining issue is whether Claimant is eligible for Retro-MA. Departmental policy states that Retro-MA coverage is available back to the first day of the third calendar month prior to:

- The current application for FIP and MA applicants and persons applying to be added to the group.
- The most recent application (not redetermination) for FIP and MA recipients. BAM 115

In this case, Claimant applied for MA, Retro-MA and SDA on August 2, 2011. Claimant was found Disabled by SHRT with an established onset date of January 2012. According to departmental policy, "Retro-MA coverage is available back to the first day of the third calendar month prior to the current application for . . . MA." BEM 150. Therefore, based on department policy, this Administrative Law Judge finds Claimant is entitled to Retro-MA back to the first day of the third calendar month prior to his August 2, 2011, application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through the SHRT, properly determined Claimant's disability status upon consideration of his vocational profile.

Accordingly, SHRT's decision is AFFIRMED and Claimant's disputed MA/Retro-MA/SDA application shall be processed with benefits awarded retroactively to August 2, 2011, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them.

It is SO ORDERED.

/s/

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

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

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 receipt 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.

VLA/ds

cc:



2012-12120/VLA

MAHS