

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201236271
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 9, 2012
County: Wayne DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, an in-person hearing was commenced on 5/9/12, from Taylor, Michigan. Participants included the above named Claimant; [REDACTED] testified on behalf of Claimant. [REDACTED] appeared as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) benefits on the basis that Claimant is not a disabled individual.

FINDINGS OF FACT

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

1. On 8/26/11, Claimant applied for MA benefits including a request for retroactive MA benefits from 5/2011.
2. On 2/8/12, DHS denied Claimant's application for MA benefits and mailed a notice informing Claimant of the denial.
3. On 2/20/12, Claimant requested a hearing to dispute the denial of MA benefits.
4. On 4/10/12, the State Hearing Review Team (SHRT) determined that Claimant was not a disabled individual.

5. On 5/9/12, an administrative hearing was held.
6. Claimant presented new medical documents at the administrative hearing which was subsequently forwarded to SHRT for review.
7. On 6/22/12, SHRT found Claimant to be disabled effective 5/2011.

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). DHS 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).

The present case concerned an application for MA benefits based on a claim of disability. Disability for purposes of MA benefits is established if one of the following circumstances applies (see BEM 260 at 1-2):

- by death (for the month of death);
- the applicant receives Supplemental Security Income (SSI) benefits;
- SSI benefits were recently terminated due to financial factors;
- the applicant receives Retirement Survivors and Disability Insurance (RSDI) on the basis of being disabled; or
- RSDI eligibility is established following denial of the MA benefit application (under certain circumstances).

There was no evidence that any of the above circumstances apply to Claimant. Accordingly, Claimant may not be considered for Medicaid eligibility without undergoing a medical review process which determines whether Claimant is a disabled individual. *Id.* at 2.

Following a medical review process, DHS determined on 4/10/12 that Claimant was not disabled. Following the submission of new medical records, DHS determined on 6/22/12 that Claimant was a disabled individual. Based on the updated DHS determination, it is not necessary for the undersigned to analyze the issue of disability pursuant to BEM 260 because DHS now concedes the issue favorably for Claimant. Thus, it is found that Claimant is a disabled individual based on the updated DHS determination.

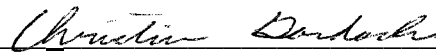
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that DHS improperly denied Claimant's application for MA benefits. It is ordered that DHS:

- (1) reinstate Claimant's MA benefit application dated 8/26/11 including Claimant's request for retroactive MA benefits from 5/2011;

- (2) upon reinstatement, evaluate Claimant's eligibility for MA benefits on the basis that Claimant is a disabled individual;
- (3) supplement Claimant for any benefits not received as a result of the improper denial; and
- (4) if Claimant is found eligible for future MA benefits, to schedule a review of benefits in one year from the date of this administrative decision.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 9, 2012

Date Mailed: July 9, 2012

CG/hw

cc: M. Mahoney
IMN
Wayne County DHS (18)/ 1843
C. Cox
M. Best
SHRT
C. Gardocki
MAHS