

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

IN THE MATTER OF:



Reg No. 2012-41539
Issue No. 2009; 4031
Case No. [REDACTED]
Hearing Date: June 5, 2012
Montcalm 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 the claimant's request for a hearing. After due notice, an in-person hearing was held on June 5, 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 June 15, 2012, the SHRT found Claimant was disabled.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid (MA)/Retro-MA and State Disability Assistance (SDA) 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 September 2, 2011, Claimant applied for MA/Retro-MA and SDA.
2. On May 9, 2012, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating Claimant retained the capacity to perform her past relevant work as a patient advocate.
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. These documents were submitted to SHRT for a post-hearing review.
5. On June 15, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA/SDA application explaining that the medical evidence of record indicates that Claimant has several significant impairments. Not the least of which is heart disease with a history of a heart attack, obesity, diabetes, neuropathy, foot drop, and an Achilles tendon tear. When considered in combination they would make it difficult to compete in a competitive work environment. Due to the effects of all of Claimant's conditions, Claimant is considered disabled.

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 that Claimant is currently disabled, and has been disabled at all times relevant to her September 2, 2011, MA/Retro-MA/SDA 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/SDA application shall be processed with benefits awarded retroactive to June 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 June, 2014, to determine Claimant's eligibility for continued MA/Retro-MA and SDA.

It is **SO ORDERED**.

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

Date Signed: 6/21/12

Date Mailed: 6/21/12

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

■ [REDACTED]