

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

IN THE MATTER OF:



Reg. No.: 2012-49915
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: JULY 31, 2012
County: LIVINGSTON

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was commenced on July 31, 2012, from Lansing, Michigan. Claimant, and his sister, personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED] [REDACTED]

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 October 4, 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 March 5, 2012, Claimant applied for MA/Retro-MA and SDA.
2. On June 15, 2012, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating Claimant retained the capacity to perform simple and repetitive tasks.

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 October 4, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA/SDA application indicating Claimant was approved for MA-P and Retroactive MA-P on November 15, 2010 and is currently on active status. Therefore, SDA is approved per BEM 261. No medical review is necessary due to this being an SDA only allowance.

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 his March 5, 2012, 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 SDA benefits awarded retroactive to December, 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 immediate MA review to determine Claimant's eligibility for continued MA/Retro-MA and SDA benefits in accord with the SHRT decision dated 10/4/12.

It is SO ORDERED.

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

Date Signed: October 5, 2012

Date Mailed: October 8, 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.

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