

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-51755  
Issue Nos.: 2009, 4031  
Case No.: [REDACTED]  
Hearing Date: July 26, 2012  
County: Wayne (82-49)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on July 26, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

The Department and Claimant stipulated at hearing to consider this case a new application as of October 20, 2011.

The record was extended to allow additional relevant medical evidence to be submitted. Claimant waived timeliness. The additional medical evidence was received and submitted to the State Hearing Review Team (SHRT) for review prior to this decision being issued.

**ISSUE**

Whether the Department properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

**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 October 20, 2011 the Department sent Claimant's MA-P and SDA packet to MRT for review.
2. On May 1, 2012, the Medical Review Team denied Claimant's request.

3. On May 8, 2012, Claimant submitted to the Department a request for hearing.
4. SHRT denied Claimant's request.
5. Claimant is 51 years old.
6. Claimant completed education through high school and some college.
7. Claimant has not worked in the last 15 years.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from depression, muscle spasm, lower back pain, bipolar disorder, anxiety and post-traumatic stress disorder.
10. On August 20, 2012, the Social Security Administration (SSA) found Claimant disabled.
11. On September 11, 2012, SHRT approved Claimant based upon the SSA finding. SHRT awarded benefits back to October 1, 2010.

#### **CONCLUSIONS OF LAW**

MA-P 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 administers MA-P 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 Bridges Reference Manual (RFT).

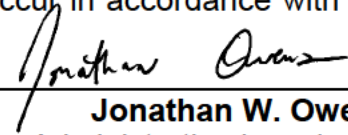
Additional medical records were received and submitted to SHRT for review. On September 11, 2012, SHRT found Claimant disabled. Claimant was found disabled by SHRT effective October 2010.

The Department has reversed the previous MRT decision issued on May 1, 2012, and will process the above based upon the SHRT approval. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning October 2010.

#### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA and SDA programs as of October 2010.

Accordingly, the Department is hereby ORDERED to open an ongoing MA and SDA case for Claimant effective October 2010. A review shall occur in accordance with the SHRT decision.



**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: September 20, 2012

Date Mailed: September 20, 2012

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

JWO/pf

cc:

