

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 2012-11665
Issue No. 2009
Case No. [REDACTED]
Hearing Date: February 9, 2012
Kent 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 February 9, 2012. Claimant, represented by Attorney Shawn Weera, 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 May 1, 2012, the SHRT found Claimant was disabled. This matter is now before the undersigned for a final decision.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid (MA)/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 June 9, 2011, Claimant applied for MA/Retro-MA benefits.
2. On January 9, 2012, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating the medical evidence of record does not document a mental/physical impairment(s) that significantly limits Claimant's ability to perform basic work activities.

3. On October 19, 2011, Claimant submitted a hearing request protesting the department's denial of his MA/Retro-MA application.
4. Claimant's medical file was then submitted to SHRT for review.
5. On May 1, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on Vocational Rule 202.04 with coverage retroactively determined, starting April 1, 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). 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 Claimant's vocational profile, advanced age, 12th grade education and less than gainful work history. This vocational profile establishes Claimant is currently disabled, and has been disabled at all times relevant to his June 9, 2011 MA/retro-MA 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 his vocational profile.

Accordingly, SHRT's decision is AFFIRMED and Claimant's disputed MA/Retro-MA application shall be processed with benefits awarded retroactive to April 1, 2011, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them. The department shall review Claimant's medical condition for improvement in May, 2013, unless his Social Security Administration disability status is approved by that time. It is SO ORDERED.

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

Date Signed: 5/4/12

Date Mailed: 5/4/12

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]