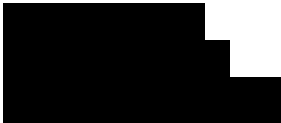


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 20122330
Issue No. 2009
Case No. [REDACTED]
Hearing Date: January 3, 2012
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 January 3, 2012. Claimant personally appeared and provided testimony.

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 16, 2011, Claimant applied for MA/retro-MA.
2. On November 29, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of claimant's application stating that the claimant's impairments do not meet the twelve month durational requirement.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record extension to submit updated medical documentation.
4. Those documents were submitted to SHRT for a post-hearing review.

5. On April 2, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/retro-MA application stating that the claimant is capable of performing light one-handed work, but that based on the claimant's vocational profile (closely approaching retirement with high school education and no relevant work history), the claimant is approved for MA/retro-MA benefits based on Vocational Rules 202.04 and 201.04 with coverage retroactively determined, starting March 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 additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to his June 16, 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/SDA application shall be processed with benefits awarded retroactive to March 1, 2011, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them.

It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 3, 2012
Date Mailed: April 4, 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.

CSS/cr

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