

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

IN THE MATTER OF:

[REDACTED]

Reg No. 2012-66858
Issue No. 2009
Case No. [REDACTED]
Hearing Date: October 30, 2012
Kalamazoo 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, an in-person hearing was held on October 30, 2012. Claimant did not appear and was represented by Mr. [REDACTED] of L&S Associates.

ISSUE

Did the department properly deny Claimant's Medicaid (MA)/Retro-MA application based on a finding he lacks a legally disabling condition?

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 23, 2011, Claimant applied for MA/Retro-MA.
2. On April 24, 2012, the department's Medical Review Team (MRT) denied disability status, followed by pre-hearing concurrence issued by the department's State Hearing Review Team (SHRT) on September 12, 2012. (Department Exhibit A, pp 31-32; Department Exhibit B, pp 1-2).
3. Claimant's self-requested appeal hearing disputing these decisions was held on October 30, 2012.
4. At hearing, Claimant's representative testified that Claimant had been approved for SSI-disability.
5. The Claimant's representative provided this presiding Administrative Law Judge with verification of the Social Security Administration's (SSA's) decision, finding Claimant was disabled with a benefit

entitlement effective November 2, 2008, which is long before Claimant filed her disputed MA/Retro application (See Finding of Fact #1 above).

6. The department stipulated on the record at hearing that Claimant's SSA approval establishes a disability allowance for MA/Retro-MA eligibility purposes.

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, the SSA's disability allowance, received while Claimant's appeal was pending, currently establishes Claimant is disabled and has been disabled at all times relevant to her September 23, 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 erred in determining Claimant is not disabled.

Accordingly, the department's decision is **REVERSED**, and it is ORDERED that:

1. The department shall approve MA and Retro-MA benefits back to September, 2011, for Claimant as long as she is otherwise eligible to receive them.
2. Departmental review of Claimant's medical condition is not necessary as long as her SSA disability status continues.

/s/

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

Date Signed: October 31, 2012

Date Mailed: October 31, 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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