

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201271073
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: November 19, 2012
County: Wayne DHS (18)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon 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, an in-person hearing was conducted on November 19, 2012, from Taylor, Michigan. Participants included the above-named Claimant. [REDACTED] appeared as Claimant's authorized hearing representative. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Medical Contact Worker.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) on the basis that Claimant is not a disabled individual.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 4/5/12, Claimant applied for MA benefits, including retroactive MA benefits from 1/2012-3/2012.
2. On 6/19/12 the Medical Review Team (MRT) determined that Claimant was not a disabled individual.
3. On an unspecified date, DHS denied Claimant's application for MA benefits and mailed a Notice of Case Action informing Claimant of the denial.

4. On 8/10/12, Claimant requested a hearing disputing the denial of MA benefits.
5. On 10/2/12, the State Hearing Review Team (SHRT) determined that Claimant was not a disabled individual (see Exhibits 44-45), in part, by application of Medical-Vocational Rule 202.20.
6. On 11/19/12, an administrative hearing was held.
7. At the hearing, Claimant submitted new medical documents which were forwarded to SHRT for a consideration of an updated disability determination.
8. On 1/30/13, SHRT determined that Claimant was disabled as of 6/2011, in part, by determining that Claimant is capable of less than sedentary employment.

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, 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 Tables (“RFT”).

DHS is to process a previously denied application as if it is a pending application when:

- the reason for denial was that the MRT determined the client was not disabled or blind; and
- the Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application.

BEM 260 (10/2011), p. 1.

DHS initially denied Claimant’s MA benefit application dated 4/5/12 which sought MA benefits back to 1/2012. The basis for denial was that Claimant was not disabled.

After an administrative hearing and the submission of new medical documents by Claimant, SHRT determined that Claimant was a disabled individual as of 6/2011. Because SHRT approved Claimant’s disability effective 6/2011, the issue of Claimant’s disability is no longer in dispute; the SHRT approval is an admission by DHS that Claimant is disabled and that Claimant’s application was improperly denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Claimant meets the definition of medically disabled for purposes of MA benefit eligibility. Accordingly, it is ordered that DHS:

- (1) re-register Claimant's application dated 4/5/12, including Claimant's request for retroactive MA benefits from 1/2012-3/2012;
- (2) evaluate Claimant's eligibility for MA benefits subject to the finding that Claimant is a disabled individual;
- (3) initiate a supplement for any benefits not received as a result of the improper denial; and
- (4) schedule a review of benefits in one year from the date of this administrative decision, if Claimant is found eligible for future MA benefits.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 6, 2013

Date Mailed: February 6, 2013

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:

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- 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

CG/hw

cc:

