

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201274511
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: January 2, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, an in-person hearing was held on January 2, 2013. Claimant appeared along with his authorized representative, [REDACTED] L&S Associates, Inc. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Was retroactive disability for the month of April 2012 medically established?

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 April 27, 2012, Claimant was admitted with a history of osteomyelitis in the sacrococcygeal region for which he had a resection in April 2012, which was complicated by an abscess in fistula formation; that this time he came in with complaints of fever and chills and underwent an incision and drainage and debridement; that currently his wound has been healing well and he has a wound V.A.C. in place; and that, however, his blood sugar during the hospitalization had been elevated, hence we are consulted for further management; he was discharged on May 1, 2012 (DHS Exhibit A, Page 2).
2. Claimant applied for MA-P on May 27, 2012, was denied on June 6, 2012 based on duration by Medical Review Team (MRT) per BEM 260, and requested a hearing on August 30, 2012.

3. MRT subsequently reversed its denial based on duration after the Claimant's corrective in April 2012 and approved the Claimant effective May 1, 2012. Both parties agree that the Claimant's physical condition was basically the same in April as it was in the subsequent months and as supported by the corrective surgery in April.
4. Claimant was age 46, with a 12th grade education.

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 Bridges Reference Manual (BRM).

Facts above are undisputed.

"Disability" is:

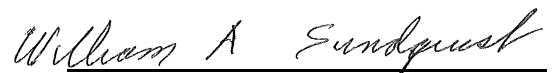
...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.... 20 CFR 416.905.

Therefore, medical disability has been established for the retroactive month of April 2012 by the competent, material and substantial evidence on the whole record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that medical disability was not medically established for April 2012.

Accordingly, MA-P denial is **REVERSED and** approval for the retroactive month of April 2012, and so **ORDERED**.



William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 12, 2013

Date Mailed: February 12, 2013

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 mailing 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

WAS/tb

cc:

