

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

IN THE MATTER OF:

Reg. No: 201278237

Issue No: 2009

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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, a telephone hearing was held on [REDACTED]. Claimant appeared along with a witness, [REDACTED], and each testified. The Department was represented by [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medical Assistance application?

FINDINGS OF FACT

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

1. Claimant applied for MA-P on [REDACTED].
2. The Medical Review Team denied the application on [REDACTED].
3. Claimant filed a request for hearing on [REDACTED] regarding the MA denial.
4. A telephone hearing was held on [REDACTED].
5. On [REDACTED], the State Hearing Review Team denied the application because the medical evidence of record indicates that the claimant retains the capacity to perform light work.
6. Claimant is 5' 3" tall and weighs 315 pounds having gained 73 pounds in the last year.

7. Claimant is 47 years of age.
8. Claimant's impairments have been medically diagnosed as back pain, obesity, Cushing's disease and fibromyalgia.
9. Claimant has the following symptoms: pain, fatigue, joint swelling, crying spells, and memory and concentration problems.
10. Claimant completed high school.
11. Claimant is able to read, write, and perform basic math skills.
12. Claimant is not working. Claimant last worked in [REDACTED] as a waitress.
13. Claimant lives alone.
14. Claimant testified that she cannot perform some household chores.
15. Claimant takes the following prescribed medications:
 - a. [REDACTED]
 - b. [REDACTED]
 - c. [REDACTED]
 - d. [REDACTED]
 - e. [REDACTED]
 - f. [REDACTED]
16. At hearing the record was extended to gather updated medical information. Claimant agreed to this and waived timeliness standards.
17. After updated records were forwarded to the State Hearing Review Team approved benefits on [REDACTED] because the Claimant was approved for social security disability benefits on [REDACTED] with an onset date of [REDACTED].

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA-P) 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 administers the MA-P 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 Program Reference Manual (PRM).

Department policy at BEM 260 states that if a claimant has been found eligible by the State Hearing Review Team, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the State Hearing Review Team and has presented prima facie evidence of the same. This disability was found by the State Hearing Review Team to be disabled as of [REDACTED]. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P and retroactive MA.

DECISION AND ORDER


The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled for the purposes of the MA and retroactive MA program, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, **REVERSED**.

The Department is **ORDERED** to process Claimant's Medicaid and Retroactive Medicaid applications of [REDACTED] and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further **ORDERED** to initiate a full review of this case in [REDACTED]

Aaron
Administrative
for
Department



McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/21/2013

Date Mailed: 03/21/2013

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 receipt 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:
 - 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

AM/kl

cc:

