

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

IN THE MATTER OF:



Reg. No.: 2013-12131
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 27, 2013
County: Bay

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, a telephone hearing was commenced on February 27, 2013, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] [REDACTED].

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical evidence. The new evidence was forwarded to the State Hearing Review Team ("SHRT") for consideration. On June 4, 2013, the SHRT found Claimant was disabled.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid 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 October 31, 2012, Claimant submitted the Redetermination.
2. On January 17, 2013, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's redetermination indicating Claimant was capable of past work as a housekeeper.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record

extension to submit updated examination and treatment documents.

4. These documents were submitted to SHRT for a post-hearing review.
5. On June 4, 2013, SHRT reversed its earlier denial of Claimant's disputed MA redetermination explaining there is no evidence of medical improvement. Claimant would be unable to perform her past work as a housekeeper and her past work skills will not transfer to other occupations. Based on Claimant's vocational profile (64 years old), a high school education and a history of light exertional, unskilled employment), MA is approved using Vocational Rule 201.04 as a guide.

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).

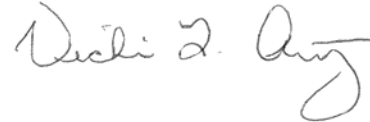
In the present case, SHRT reversed its earlier finding of medical improvement based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes that Claimant is currently disabled, and has been disabled at all times relevant to her October 31, 2012, MA redetermination.

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 additional medical evidence reviewed for the first time after the hearing.

Accordingly, SHRT's decision is AFFIRMED and Claimant's disputed MA redetermination shall be processed with benefits awarded retroactive to October, 2012, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, the local offices shall initiate an MA review by July , 2020, to determine Claimant's eligibility for continued MA.

It is SO ORDERED.



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

Date Signed: June 20, 2013

Date Mailed: June 20, 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 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

2013-12131/VLA

VLA/las

cc:

