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

IN THE MATTER OF:



Reg. No.: 2013-1634

Issue No.: 2009

Case No.: Hearing Date:

February 5, 2013

County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong for Suzanne L. Morris

HEARING DECISION

This matter is befor e the undersigned Administrative Law J udge upon the 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 conducted on February 5, 2013, from Lansing, Michigan. Cla imant, represented by personally appear ed and testified. Part icipants on behalf of the Department of Human Services (Department) included

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submissi on of additional medical evidence. The new evidence was forwarded to the Stat e Hearing Review Team ("SHRT") for consideration.

ISSUE

Did the department pr operly determine Claimant's dis ability status for Medicaid (MA)/Retro-MA eligibility purposes?

FINDINGS OF FACT

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

- 1. On May 26, 2011, Claimant applied for MA/Retro-MA benefits.
- On November 2, 2011, the depar trent's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating Claimant retained the capacity to perform a wide range of simple, unskilled work.
- On September 17, 2012, Claimant's representative submitted a hearing request protesting the department's denial of his MA/Retro-MA application.

- 4. Claimant's medical file was then submitted to SHRT for review.
- 5. On April 3, 2013, SHRT rever sed its earlier denial of Claimant's disputed MA/Retro-MA applic ation bas ed on Vocational Rule 204.00 with coverage retroactively determined, starting February 1, 2011.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is es tablished by Title XI X of the Social Security Act and is implemented by Title 42 of the Code of F ederal 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 Administra tive Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT reversed its ear lier finding of lack of d isability based on Claimant's vocational profile, advanced age, high school equivalent education and unskilled work history. This voca tional profile establishes Claimant is currently disabled, and has been disabled at all times relevant to his May 26, 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 departm ent, through SHRT, properly determined Claimant's disability status upon consideration of his vocational profile.

Accordingly, SHRT's decision is AFFIRMED and Clai mant's disputed MA/Retro-MA application shall be processed with benefits awarded retroactive to February 1, 2011, as long as Claimant meet s all of the other financial and non-financial requirements necessary to receive them. The department shall review Claimant's medical condition for improvement in May, 2014, unless his Social Security Administration disability status is approved by that time. It is SO ORDERED.

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

Date Signed: April 22, 2013

Date Mailed: April 23, 2013

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 days of the mailing date of this Decision and Order. Admi nistrative 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 Decisi on and Order or, if a time ly 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 <u>MAY</u> be granted if there is ne wly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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 addres s other relevant issues in the hearing decision.

Request must be submitted through the loc al DHS office or directly to MAHS by mail at

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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