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

IN THE MATTER OF:



Reg. No: 201316628 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 Claimant's Authorized Hearings Representative, the Claimant. The Department was represented by

<u>ISSUE</u>

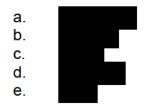
Did the Department pr operly deny Claim ant's Medica I Assistance (MA-P) program application?

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
- 2. The Medical Review Team denied the application on
- 3. Claimant filed a request for hearing on **regarding the** MA denial.
- 4. A telephone hearing was held on
- 5. On the St ate Hearing Rev iew Team denied the application because the medic allevidence of record indicates that the claimant retains the capacity to perform light work.
- 6. Claimant is 5' 3" tall and weighs 120 pounds.

- 7. Claimant is 48 years of age.
- 8. Claimant's impairments have been medically diagnosed as hypertension, stroke, cirrhosis of the liver and kidney failure.
- 9. Claimant has the follo wing symptoms: pain, fati gue, dizziness, slurred speech, and memory problems.
- 10. Claimant completed high school.
- 11. Claimant is not able to read, write, and perform basic math skills.
- 12. Claimant is not working. Claimant last worked in at a restaurant.
- 13. Claimant lives alone.
- 14. Claimant testified that he cannot perform some household chores.
- 15. Claimant takes the following prescribed medications:



16. Claimant was approved for disability by the social security administration with an onset date of

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based u pon a finding of disability, the person meets the Depart ment's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Soc ial Security Admin istration to be eligible for RSDI b enefits based upon d isability, and h as present ed prima f acie evidence of the same. This disability was found by the Soci al Security Administration to have an onset

date of **Therefore**, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the Cla imant is medically dis abled as of **purposes** of the MA and retroactive MA prog ram, pending a rev iew of all non-medical eligibility factors.

Accordingly, the Department's decis ion in the a bove stated matter is, hereby, **REVERSED**.

The Department is **ORDERED** to pr ocess Cla imant's Medicaid applic ation of a solution, and initiate a re view 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

Aaron Administrative for Department Am militi

McClintic Law Judge Maura Corrigan, Director of Human Services

Date Signed: 04/18/2013

Date Mailed: 04/18/2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 newly 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address ot her relevant iss ues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at:

Michigan Administrative hearings Recons ideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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