

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

New Reg. No.: 2013592  
Old Reg. No.: 201264140, 201151646  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County DHS: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Marya A. Nelson-Davis

**RECONSIDERATION DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon the request of the Claimant.

**ISSUE**

Does Claimant meet the disability standard for Medical Assistance (MA-P) retro to [REDACTED]?

**FINDINGS OF FACTS**

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

1. On [REDACTED], ALJ Suzanne L. Morris issued a Decision & Order in which the Administrative Law Judge REVERSED the Department of Human Services (DHS) denial of MA-P benefits based on Claimant's approval for Supplemental Security Income (SSI).
2. On [REDACTED] ALJ Morris, issued a Decision & Order, Ordering the Department to approve Claimant for MA benefits for the time period of [REDACTED] forward, providing claimant meets the non-medical criteria."
3. On [REDACTED] the Michigan Administrative Hearing System (MAHS) received Claimant's request for Rehearing/Reconsideration.
4. On [REDACTED], MAHS granted the Claimant's request for reconsideration and issued an Order of Reconsideration to all parties.
5. On [REDACTED] Claimant applied for MA-P and retro MA-P benefits.

6. Claimant applied for disability benefits based on having migraines, congestive heart failure, and asthma.
7. On [REDACTED] the Medical Review Team (MRT) denied Claimant's request for MA-P benefits.
8. After the Department denied Claimant's MA-P application, Claimant filed a written request for hearing, protesting the denial, on [REDACTED]
9. The State Hearing Review Team (SHRT) upheld the Department's denial of Claimant's MA-P application.
10. On [REDACTED] Claimant submitted an application for SSI with the Social Security Administration (SSA).
11. SSA determined that Claimant met the federal SSI disability standard, and her disability onset date is [REDACTED].

### **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 Family Independence Agency (FIA or agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 4000.105; MSA 16.490 (15). Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

Pursuant to Federal Rule 42 CFR 435.50, the Family Independence Agency uses the federal Supplemental Security Income (SSI) policy in determining eligibility for disability under the Medical Assistance program. Under SSI, disability is defined as:

...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*

The person claiming a physical or mental disability has the burden to establish it through the use of competent medical evidence from qualified medical sources such as his or her medical history, clinical/laboratory findings, diagnosis/prescribed treatment, prognosis for a recovery and/or medical assessment of ability to do work-related activities or ability to reason and to make appropriate mental adjustments, if a mental disability is being alleged, 20 CFR 416.913. An individual's subjective pain complaints are not, in and of themselves, sufficient to establish disability. 20 CFR 416.908 and 20 CFR 416.929. By the same token, a conclusory statement by a physician or mental

2013592/MAND

health professional that an individual is disabled or blind is not sufficient without supporting medical evidence to establish disability. 20 CFR 416.929.

SSA processed Claimant's application for SSI benefits and determined that Claimant meets the federal SSI disability standard with a disability onset date of [REDACTED]. Based on the SSA determination, Claimant meets the MA-P disability standard retro to [REDACTED] (BEM 260)

**DECISION AND ORDER**

This Administrative Law Judge, based on the above findings of fact and conclusion of law, decides that Claimant meets the disability criteria for MA-P benefits retro to [REDACTED].

**IT IS THEREFORE ORDERED** that:

The Department shall determine whether Claimant is otherwise eligible for MA-P retro to [REDACTED], based on the MA-P application filed on February 7, 2011.

*/s/* \_\_\_\_\_  
Marya A. Nelson-Davis  
Administrative Law Judge Manager  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 05/06/2013

Date Mailed: 05/09/2013

**\*\*\*Notice\*\*\***

The Claimant may appeal this Reconsideration Decision to Circuit Court within 30 days of the mailing of this Reconsideration Decision.

MAND/kl

cc:

[REDACTED]