

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg No: 20137466  
Issue No: 2009  
██████████ ██████████  
Hearing Date: March 5,  
2013  
Wayne County DHS-82

**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 March 5, 2013. The Claimant appeared along with witnesses, ██████████ and ██████████ and each testified. The Department was represented by Sherice Hamilton.

**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 August 23, 2012.
2. The Medical Review Team denied the application on October 8, 2012.
3. Claimant filed a request for hearing on October 22, 2012 regarding the MA denial.
4. A telephone hearing was held on March 5, 2013.
5. On December 13, 2012 the State Hearing Review Team denied the application because the Claimant's retains the capacity to perform unskilled work.
6. At hearing the record was extended to obtain updated medical records for the Claimant. Claimant agreed to this and waived timeliness standards.

7. Claimant was approved for Social Security benefits on April 4, 2013 with an onset date of January 26, 2012.

### **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 Bridges Reference Manual (BRM).

Department policy at BEM 260 states that if a claimant has been found disabled and eligible by the Social Security Administration, 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 Social Security Administration and has presented prima facie evidence of the same. This Claimant was found by the State Hearing Review Team to be disabled as of January 2012. 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 the above findings of fact and conclusions of law, decides that the Claimant is medically disabled as of August 2012 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**.

1. The Department is **ORDERED** to process Claimant's Medicaid applications of August 23, 2012, and initiate a review of all non-medical eligibility factors, if it has not already done so.
2. The Department is further **ORDERED** to initiate a full review of this case in July 2014.



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**Aaron McClintic**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 07/03/2013

Date Mailed: 07/03/2013

**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 60 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.

Am/pw

cc: [REDACTED]  
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