

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

**IN THE MATTER OF:**

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg No:	201330151
Issue No:	2009
Case No:	[REDACTED]
Hearing Date:	August 1, 2013
County:	VanBuren

**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 Hearing. After due notice, an in-person hearing was held on August 1, 2013. The Claimant's Authorized Hearings Representative, [REDACTED], appeared for the Claimant. The Department of Human Services (Department) was represented by, Ms. Kravets, and, Ms. Cruz.

**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 October 4, 2012.
2. The Medical Review Team denied the application on November 15, 2012.
3. Claimant filed a request for hearing regarding the MA denial.
4. An in person hearing was held on August 1, 2013.
5. On April 17, 2013, the State Hearing Review Team denied the application because the medical evidence of record indicates that the Claimant's condition is improving, or is expected to improve, within 12 months from the date of onset, or from the date of surgery.
6. Claimant was approved for Social Security benefits with an onset date of September 2012.
7. The Department agreed on the record at hearing to activate MA-P coverage effective September 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 to be disabled as of September 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 September 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.**

The Department is ORDERED to:

1. Process Claimant's Medicaid and Retro MA applications of October 4, 2012, and initiate a review of all non-medical eligibility factors, if it has not already done so.
2. Initiate a full review of this case in August 2014.



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

Date Signed: 08/09/2013

Date Mailed: 08/09/2013

**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

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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.

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; or
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Claimant; or
  - 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

AM/pw

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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