

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

IN THE MATTER OF:

[REDACTED]

Reg No. 2013-51673
Issue No. [REDACTED]
Case No. [REDACTED]
Hearing Date: October 24, 2013
Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was conducted at the Gladwin County DHS office on October 24, 2013. Claimant, represented by [REDACTED] of ADVOMAS, personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Family Independence Specialist [REDACTED].

ISSUE

Did the department properly deny Claimant's Medicaid (MA)/Retro-MA application based on a finding she lacks a legally disabling condition?

FINDINGS OF FACT

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

1. On February 11, 2013, Claimant applied for MA/Retro-MA.
2. On May 17, 2013, the department's Medical Review Team (MRT) denied disability status, followed by pre-hearing concurrence issued by the department's State Hearing Review Team (SHRT) on June 25, 2013. (Depart Ex. A, pp 27-28; Depart Ex. B, pp 1-2).
3. Claimant's self-requested appeal hearing disputing these decisions was held on October 24, 2013.

4. At hearing, Claimant testified that she had been found disabled by the Social Security Administration on May 23, 2013. (Claimant's Ex. 1-10).
5. The department stipulated on the record at hearing that Claimant's SSA approval establishes a disability allowance for Medicaid eligibility purposes.

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 Reference Tables Manual (RFT).

In Michigan, the SSA's determination of disability onset is binding for MA/Retro-MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

The updated evidence submitted while Claimant's MA/Retro-MA hearing was pending shows Claimant was determined disabled as of May 23, 2013. Consequently, the department must reverse its erroneous denial and process Claimant's disputed application in accordance with departmental policy.

Furthermore, based on the Social Security Administration's finding that Claimant was disabled, the only remaining issue is whether Claimant is eligible for Retro-MA. According to departmental policy, some clients also qualify for retroactive (retro) MA coverage for up to three calendar months prior to SSI entitlement; see BAM 115. BEM 150.

Claimant was found disabled on May 23, 2013. Three months prior to SSI entitlement qualifies Claimant for MA coverage beginning February, 2013. BEM 150.

DECISION AND ORDER

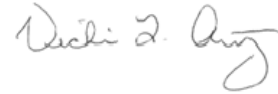
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining Claimant is not disabled.

Accordingly, the department's decision is **REVERSED**, and it is Ordered that:

1. The department shall approve MA/Retro-MA benefits for Claimant as long as she is otherwise eligible to receive them.

2. Departmental review of Claimant's medical condition is not necessary as long as her SSA disability status continues.

It is SO ORDERED.



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

Date Signed: 10/25/2013

Date Mailed: 10/28/2013

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 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing 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,
 - 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 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

2013-51673/VLA

VLA/sw

cc:

