



4. SHRT denied Claimant's request.
5. Claimant is 52 years old.
6. Claimant completed education through high school.
7. Claimant has employment experience (last worked 2002) at a flower shop (required standing/walking entire shift, no sitting and expected to lift up to 25 lbs) and as a cashier (standing/walking entire shift, no sitting and expected to lift 25 lbs).
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from arthritis, chronic obstructive pulmonary disease, asthma, cirrhosis of the liver, fibromyalgia, hypertension, diabetes, colitis, hepatitis C, anemia and thrombocytopenia.
10. On November 5, 2013, SHRT approved Claimant for disability-based MA benefits back to July 2012.

#### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (RFT).

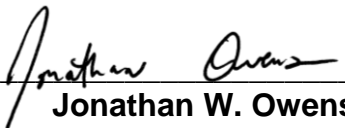
Additional medical records were received and submitted to SHRT for review. On November 5, 2013, SHRT found Claimant was disabled. Claimant was found disabled by SHRT based upon Claimant's application dated October 25, 2012, for Medical Assistance including requested retro months effective July 2012.

The Department has reversed the previous decision issued on January 28, 2013, and will process the above application based upon the SHRT approval. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning July 2012.

#### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of July 2012.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective July 2012. A review of this case shall be set for December 2014.

  
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**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 19, 2013

Date Mailed: November 19, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

JWO/pf

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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