

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

IN THE MATTER OF:

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Reg. No.: 2013-51500
Issue No.: 2009
Case No.: ██████████
Hearing Date: September 18, 2013
County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on September 18, 2013, from Clinton Township, Michigan. Participants on behalf of Claimant included Claimant ██████████

████████████████████ Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

The record was extended to allow additional relevant medical evidence to be submitted. Claimant waived timeliness. The additional medical evidence was received and submitted to the State Hearing Review Team (SHRT) for review prior to this decision being issued.

ISSUE

Whether the Department properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

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 July 27, 2012, Claimant applied for MA-P and retro MA-P to June 2012.
2. On September 11, 2012, the Medical Review Team denied Claimant's request.

3. On December 7, 2012, Claimant submitted to the Department a request for hearing.
4. SHRT denied Claimant's request.
5. Claimant is 58 years old.
6. Claimant completed education through the 10th grade.
7. Claimant has employment experience (last worked in 2006) as a service technician for [REDACTED] (standing/walking 4-5 hours, sitting less than 4 hours and lifting 20-25 lbs).
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from abdominal pain, acute diverticulitis with colonic perforation and panic disorder.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. On November 12, 2013, SHRT found Claimant was disabled as of April 2012 based upon a Social Security Administration (SSA) ruling.

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 12, 2013, SHRT found Claimant was disabled. Claimant was found disabled by SHRT based upon Claimant's application dated July 27, 2012, for Medical Assistance including requested retro months.

The Department has reversed the previous decision 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 April 2012 based upon the SHRT determination.

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 April 2012.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective April 2012. No medical review date is necessary as approval is based upon SSA allowance.



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

Date Signed: November 25, 2013

Date Mailed: November 26, 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:

2013-51500/JWO

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

JWO/pf

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