

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

**IN THE MATTER OF:**

[REDACTED]

Reg No. 2013-52853  
Issue No. 2009; 4031  
Case No. [REDACTED]  
Hearing Date: November 19, 2013  
County: Wayne-41

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MC L 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 19, 2013, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Medical Contact Worker [REDACTED]

**ISSUE**

Did the department properly deny Claimant's Medicaid (MA)/Retro-MA and State Disability Assistance (SDA) application based on a finding that 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 March 26, 2013, Claimant applied for MA/Retro-MA and SDA.
2. On May 29, 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 August 8, 2013. (Depart Ex. A, pp 3-4; Depart Ex. B, p 1).
3. Claimant's self-requested appeal hearing disputing these decisions was held on November 19, 2013.
4. At hearing, Claimant testified that she had been approved for SSI-disability.
5. Claimant provided this presiding Administrative Law Judge with verification of the Fully Favorable Social Security Administration's (SSA's) decision finding Claimant was disabled with a benefit entitlement effective October 31, 2012,

which is long before Claimant filed her disputed MA/Retro-MA and SDA application (See Finding of Fact #1 above).

6. The department stipulated on the record at hearing that Claimant's SSA approval establishes a disability allowance for MA/Retro-MA 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).

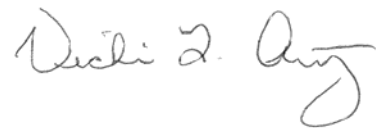
In the present case, the SSA's disability allowance, received while Claimant's appeal was pending, currently establishes Claimant is disabled and has been disabled at all times relevant to her March 26, 2013, MA/Retro-MA and SDA application.

### **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 and Retro-MA benefits back to December, 2012, 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.



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

Date Signed: November 19, 2013

Date Mailed: November 20, 2013

**NOTICE OF AP PEAL:** 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

VLA/las

cc:

