

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201345403
Issue No: 2009
Case No: [REDACTED]
Hearing Date: October 1, 2013
Macomb County DHS #36

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing to protest the denial of Claimant's MA-P at review. After due notice, a telephone hearing was held. Claimant personally appeared and testified.

ISSUE

Did the DHS properly close Claimant's MA at review?

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 was previously approved MA by the MRT. The DHS testified at the administrative hearing that it lost the original MRT packet and was unable to access Claimant's prior medical evidence.
2. Claimant's case was scheduled to be reviewed in July 2010. The DHS failed to schedule Claimant's case for a review for 2 years. The case herein is Claimant's overdue review.
3. On 4-10-13, MRT denied based on a new application. MRT applied the wrong legal standard.
4. On 4-9-13, the department issued notice of closure.
5. On 5-3-13, claimant filed a hearing request.
6. On 8-1-13, SHRT denied claimant based on the review standard.

7. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 11-26-13 SHRT approved Claimant.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per PAM, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant meets the definition of continuing disability under the Medical Assistance program as of the July 2013 review date.

Accordingly, the department's denial is hereby **REVERSED**.

It is ORDERED that the DHS shall reinstate Claimant's MA case from the date of closure, issue any supplemental benefits to Claimant to which she may be entitled, and keep Claimant's case open provided Claimant meets any other nonmedical criteria for the MA program.

It is ordered that the DHS shall review this case in one year from the date of this decision and order in accordance with the request by SHRT as to new medicals.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: December 4, 2013

Date Mailed: December 4, 2013

NOTICE: 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)

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,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant,
 - 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

JGS/jk

cc:

