

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-1634
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 5, 2013
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong for Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted on February 5, 2013, from Lansing, Michigan. Claimant, represented by [REDACTED] of [REDACTED] personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED]

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical evidence. The new evidence was forwarded to the State Hearing Review Team ("SHRT") for consideration.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid (MA)/Retro-MA eligibility purposes?

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 May 26, 2011, Claimant applied for MA/Retro-MA benefits.
2. On November 2, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application indicating Claimant retained the capacity to perform a wide range of simple, unskilled work.
3. On September 17, 2012, Claimant's representative submitted a hearing request protesting the department's denial of his MA/Retro-MA application.

4. Claimant's medical file was then submitted to SHRT for review.
5. On April 3, 2013, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on Vocational Rule 204.00 with coverage retroactively determined, starting February 1, 2011.

CONCLUSIONS OF LAW

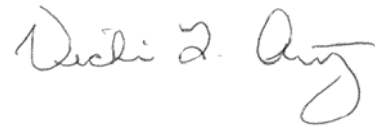
The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT reversed its earlier finding of lack of disability based on Claimant's vocational profile, advanced age, high school equivalent education and unskilled work history. This vocational profile establishes Claimant is currently disabled, and has been disabled at all times relevant to his May 26, 2011, MA/Retro-MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined Claimant's disability status upon consideration of his vocational profile.

Accordingly, SHRT's decision is **AFFIRMED** and Claimant's disputed MA/Retro-MA application shall be processed with benefits awarded retroactive to February 1, 2011, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them. The department shall review Claimant's medical condition for improvement in May, 2014, unless his Social Security Administration disability status is approved by that time. It is **SO ORDERED**.



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

Date Signed: April 22, 2013

Date Mailed: April 23, 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 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 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

VLA/las

cc:

