

**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: 201319978
Issue No: 2009, 4031
Case No: ██████████
Hearing Date: April 3, 2013
Jackson County DHS-00

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's Request for Hearing. After due notice, a telephone hearing was held on April 3, 2013. The Claimant appeared and testified. The Department was represented by, Ed Bell, and, Vicki Hephner.

ISSUE

Did the Department properly deny Claimant's Medical Assistance and State Disability applications?

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 applied for MA-P and SDA on September 12, 2012, with a request for retroactive coverage back to August 2012.
2. The Medical Review Team denied the application on November 13, 2012.
3. Claimant filed a request for hearing on December 27, 2012, regarding the MA and SDA denials.
4. A telephone hearing was held on April 3, 2013.
5. On February 11, 2013, the State Hearing Review Team denied the application because the Claimant's condition is improving or is expected to improve within 12 months from the date of surgery.
6. At hearing the record was extended to obtain updated medical records for the Claimant. Claimant agreed to this and waived timeliness standards.
7. The Social Security Administration approved benefits effective August 22, 2012.

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 Bridges Reference Manual (BRM).

Department policy at BEM 260 states that if a Claimant has been found eligible by the State Hearing Review Team, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the Claimant was found disabled by the Social Security Administration and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to be disabled as of August 2012. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P and SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled as of August 2012 for the purposes of the SDA, MA and retroactive MA program, pending a review of all non-medical eligibility factors.

ACCORDINGLY, the Department's decision in the above stated matter is, hereby, **REVERSED**.

1. The Department is ORDERED to process Claimant's SDA, Medicaid and Retroactive Medicaid applications of September 12, 2012, and initiate a review of all non-medical eligibility factors, if it has not already done so.
2. The Department is further ORDERED to initiate a full review of this case in July 2014.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 07/31/2013

Date Mailed: 07/31/2013

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;
 - 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

AM/pw

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