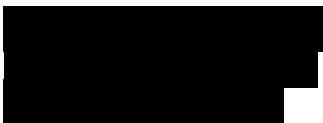


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2013-25377/2012-50813
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: August 14, 2013
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

RECONSIDERATION DECISION

DECISION AND ORDER OF RECONSIDERATION

This matter is before the undersigned Administrative Law Judge pursuant to a timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge at the conclusion of the hearing conducted on August 14, 2012.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program or programs at issue, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements.

This matter having been reviewed, an Order Granting Request for Reconsideration was generated on July 15, 2013.

ISSUE

Did the department properly deny Claimant's Medicaid (MA) and Retro-MA application based on a finding he lacks a legally disabling condition?

FINDINGS OF FACT

Upon a review of the entire hearing record, including the recorded testimony and evidence admitted, in addition to a review of the applicable law and policy governing the issues in this matter, the following constitute findings of fact based on the competent, material and substantial evidence:

1. On September 15, 2011, Claimant applied for MA/Retro-MA.
2. When the department denied that application, Claimant requested a hearing by written notice dated April 13, 2012.
3. After the decision was issued on January 8, 2013, Claimant's authorized representative provided proof that Claimant was determined disabled by the Social Security Administration (SSA), with onset established as of July 1, 2007, by submitting a copy of the Fully Favorable decision.

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 Michigan, the SSA's determination of disability onset is binding for MA/Retro-MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

The updated evidence submitted after Claimant's MA/Retro-MA decision was issued shows Claimant was determined disabled as of July 1, 2007. Consequently, the department must reverse its erroneous denial and process Claimant's disputed application in accordance with departmental policy.

DECISION AND ORDER

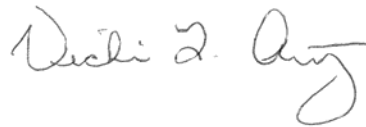
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining Claimant is not disabled.

Accordingly, the department's decision is **REVERSED**, and it is ORDERED that:

1. The department shall approve MA/Retro-MA benefits for Claimant as long as he is otherwise eligible to receive them.

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2. Departmental review of Claimant's medical condition is not necessary as long as his SSA disability status continues.



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

Date Signed: July 18, 2013

Date Mailed: July 18, 2013

NOTICE: 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.

VLA/las

cc:

