

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201357792
Issue No.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: November 6, 2013
County: Allegan

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 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 6, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's Authorized Hearing Representative (AHR)), [REDACTED] (Claimant) and [REDACTED] (Case Manager from [REDACTED]). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly determine Claimant's eligibility for Medical Assistance (MA-P) based on disability and State Disability Assistance (SDA)?

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 April 4, 2013, an application for MA-P and SDA benefits alleging disability was filed on behalf of Claimant.
2. On July 5, 2013, the Medical Review Team (MRT) denied Claimant's application for MA-P and SDA.
3. On July 5, 2013, the Department mailed Claimant a Notice of Case Action (DHS-1605) which denied Claimant's application.

4. On July 15, 2013, Claimant filed a request for a hearing to contest the Department's action.
5. On September 3, 2013, the State Hearing Review Team (SHRT) denied Claimant's application.
6. A telephone hearing was held on November 6, 2013. The Administrative Law Judge held the record open to allow for additional records to be submitted. Claimant consented and agreed to extend the time periods.
7. On November 12, 2013, the Administrative Law Judge entered an Interim Order Extending the Record an additional 30 days for the submission of the additional records.
8. The above records were forwarded to the SHRT.
9. On December 4, 2013, the Administrative Law Judge issued an Interim Order extending time an additional 90 days for the SHRT review of the additional records.
10. On December 13, 2013, the Social Security Administration (SSA) issued a Notice of Decision-Fully Favorable.
11. On January 9, 2014, the SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA and SDA application based on a Fully Favorable Social Security Decision, with an established onset date of [REDACTED]. The SHRT also indicated that a medical review is established for January, 2014 to determine only if payment status was ever given. If so, no further medical review would be needed as Claimant will be in SSA/SSI payment.

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 Program Reference Manual (PRM).

In the present case, the SHRT reversed its earlier finding of lack of disability based on the SSA's disability allowance which was received while Claimant's appeal was pending. The SSA's decision currently establishes that Claimant is disabled and has been disabled at all times relevant to his 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 the Fully Favorable Social Security Disability decision reviewed for the first time after the hearing.

Accordingly, the department's decision is **AFFIRMED**.

IT IS ORDERED THAT:

1. The Department shall approve Claimant's MA/Retro-MA/SDA benefits effective June 1, 2012, as long as he is otherwise eligible to receive them.
2. Departmental review of Claimant's medical condition is not necessary as long as his SSA disability status continues.

IT IS SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 10, 2014

Date Mailed: January 13, 2014

NOTICE OF APPEAL: 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.

201357792/CAP

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

CAP/aca

cc:

