

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-64823
Issue No(s): 2009
Case No.: ██████████
Hearing Date: February 10, 2014
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on February 10, 2014, in Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative, ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ MCW.

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance (MA) benefit program.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant submitted applications for public assistance seeking MA benefits and Retroactive MA benefits on March 13, 2013 and July 26, 2013.
2. The Medical Review Team (MRT) determined that Claimant was not disabled with respect to the March 13, 2013 application on August 12, 2013, citing lack of duration, but then on August 26, 2013 determined that Claimant was disabled with respect to the July 26, 2013 application.
3. MRT set a review date of August, 2014. (Exhibit 1, p. 171)

4. The Department did not issue a Notice of Case Action regarding the disposition of the March 13, 2013 MA application, but did issue a Medical Program Eligibility Notice on August 13, 2013.
5. On October 18, 2013 the State Hearing Review Team determined that Claimant was not disabled.
6. On October 29, 2013, the Department received Claimant's request for hearing regarding the MA application of March 13, 2013.

CONCLUSIONS OF LAW

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, formerly known as the Family Independence Agency, 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 Tables ("RFT").

In order to be considered disabled for purposes of MA, a person must have a severe impairment. 20 CFR 416.920(c). A severe impairment is an impairment expected to last twelve months or more (or result in death) which significantly limits an individual's physical or mental ability to perform basic work activities.

In this case, Claimant submitted an application for public assistance seeking MA benefits and Retroactive MA benefits on March 13, 2013 and July 26, 2013. The Medical Review Team (MRT) determined that Claimant was not disabled with respect to the March 13, 2013 application on August 12, 2013, citing lack of duration, but then determined that Claimant was disabled with respect to the July 26, 2013 application on August 26, 2013.

During the hearing, the Department representative conceded that there was an oversight on the part of the Department in that the Department determined on August 12, 2013 as to the March 13, 2013 application that Claimant's impairment lacked duration, yet on August 26, 2013 contradicted itself by finding the requisite duration as to the July 26, 2013 application, with the same issues of impairment and the same medical information being utilized to analyze both applications. It is logical to conclude, therefore, that Claimant's impairment with respect to the March 13, 2013 application did not lack duration, and, that Claimant should have been found disabled with respect to both applications.

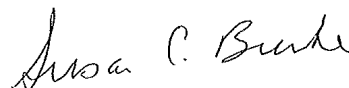
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds Claimant disabled for purposes of the MA program as of February, 2013.

DECISION AND ORDER

Accordingly, the Department's determination is REVERSED.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate processing of the March 13, 2013 MA application and retroactive MA application to determine if all non-medical criteria are met and inform Claimant of the determination in accordance with Department policy.
2. The Department shall review the Claimant's continued eligibility in August of 2014, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 20, 2014

Date Mailed: February 20, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

2013-64823/SCB

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.

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

SCB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]