

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-8387
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: May 13, 2013
County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on May 13, 2013, from Warren, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED].

Participants on behalf of the Department of Human Services (Department) included [REDACTED].

The record was extended to allow additional relevant medical evidence to be submitted. Claimant waived timeliness. The additional medical evidence was received and submitted to the State Hearing Review Team (SHRT) for review prior to this decision being issued.

ISSUE

Whether the Department properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P)?

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 March 12, 2012, Claimant applied for MA-P and retro MA-P to December 2011.
2. On September 5, 2012, the Medical Review Team denied Claimant's request.

3. On October 31, 2012, Claimant submitted to the Department a request for hearing.
4. SHRT denied the Claimant's request for MA beginning December 2011 but approved ongoing MA beginning December 2012.
5. Claimant is 50 years old.
6. Claimant completed education through high school.
7. Claimant has employment experience (last worked 2008) fabricating commercial grade glass.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from pneumonia, brain injuries with right side paralysis, history of deep venous thrombus with filter placement, chronic wheezing, poor short-term memory, weak right upper extremity, peripheral vascular disease, chronic obstructive pulmonary disease.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. Claimant has significant limitations on understanding, carrying out, and remembering simple instructions; use of judgment; responding appropriately to supervision, co-workers and usual work situations; and dealing with changes in a routine work setting.

CONCLUSIONS OF LAW

MA-P 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 administers MA-P 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 (RFT).

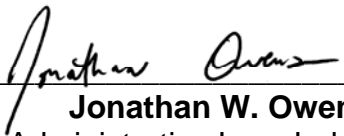
Additional medical records were received and submitted to the State Hearing Review Team (SHRT) for review. On July 22, 2013, SHRT found the Claimant was disabled. Claimant was found disabled by SHRT based upon Claimant's application dated March 12, 2012, for Medical Assistance including requested retro months effective December 2011.

The Department has reversed the previous decision issued on September 5, 2012, and will process the above application based upon the SHRT approval. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning December 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of December 2011.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective December 2011. No review date was indicated by SHRT as this approval was based upon a Social Security Administration approval.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 5, 2013

Date Mailed: August 5, 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,
 - 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

2013-8387/JWO

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JWO/pf

cc:

