

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

IN THE MATTER OF:



Reg. No.: 2013-42969
Issue No(s): 2009
Case No.: [REDACTED]
Hearing Date: December 3, 2013
County: Hillsdale

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, an in-person hearing was held on December 3, 2013, at the Hillsdale County Department of Human Services (Department) office. Claimant personally appeared and testified. Participants on behalf of the Department included Family Independence Manager [REDACTED].

ISSUE

Did the Department properly determine Claimant's disability status for Medicaid (MA)/Retro-MA eligibility purposes?

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 November 8, 2012, Claimant applied for MA/Retro-MA.
2. On July 19, 2013, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application stating the medical evidence of record indicating the medical evidence of record does not document a mental/physical impairment that significantly limits Claimant's ability to perform basic work activities. Therefore, MA-P was denied due to lack of duration under 20 CFR 416.909(c). Retro-MA was also considered and denied.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record extension to submit updated examination and treatment documents.
4. During the hearing on December 3, 2013, Claimant's representative submitted additional medical documentation on behalf of Claimant.

5. Claimant's medical file was then submitted to SHRT for a post-hearing review on December 4, 2013.
6. On February 4, 2013, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA application based on impairment listing 13.03(B)(2)(a) with coverage retroactively determined, beginning September 1, 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 Reference Tables Manual (RFT).

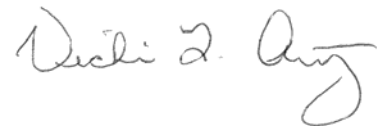
In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes Claimant is currently disabled, and has been disabled at all times relevant to his November 8, 2012, MA/Retro-MA 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 additional medical evidence reviewed for the first time after the hearing.

Accordingly, SHRT's decision is AFFIRMED and Claimant's disputed MA/Retro-MA application shall be processed with benefits awarded retroactive to September, 2012, as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them.

It is SO ORDERED.



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

Date Signed: February 7, 2014

Date Mailed: February 7, 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.

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

VLA/las

cc:



