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

IN THE MATTER OF:



Reg. No.:
2013-48872

Issue No.:
2009; 4031

Case No.:
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ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law J udge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 t o 431.250; and 45 CF R 205.10. After due notice, a telephon e hearing was held on October 3, 2013, from Lansing, Michigan. Claimant, represented by Case Manager, personally appeared and provided testimony. Participants on behalf of the Department of Human Servic es (Depar tment) included Eligibility Spec ialist

ISSUE

Did the Department pr operly determine that Claimant was no longer disabled and denied his review applic ation for Medica I Assistan ce (MA-P) and State Disab ility Assistance (SDA) based upon medical improvement?

FINDINGS OF FACT

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

- 1. Claimant was a Medica I Assis tance benefit recipient and his Medical Assistance case was scheduled for review in March, 2013.
- 2. On July 26, 2013, the Department's State Hearing Review T eam (SHRT) issued a prehearing denial of Claim ant's redetermination indicating Claimant retained the capacity to perform at least simple, unskilled work.
- 3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Cl aimant's request for a record extension to submit updated examination and treatment documents.
- 4. These documents were submitted to SHRT for a post-hearing review.

5. On February 5, 2014, SHRT revers ed its earlier denial of Cla imant's disputed MA and SDA redeterminati on finding Claimant has not had significant medical improv ement and MA-P ben efits are continued/approved per 20 CFR 416.99 4, and the medical evidenc e sufficiently demonstrates that the intent and severity of listing 12.04 is met.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by T itle 42 of the C ode 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 Bridges Reference Manual (RFT).

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), th *e* Bridges Eligibilit y Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT re versed its earlier finding of lack of medical im provement based on additional m edical evidence reviewed for the first time a fter the hearing. This new medical evidence estab lishes Claim ant is currently disabled, and has bee n disabled at all times relevant to his March 31, 2013, MA/SDA redetermination.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides the Department, thr ough 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 redetermination shall be process ed with be nefits continued from the March 31, 2013, redetermination.

It is **SO ORDERED**.

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

Date Signed: February 12, 2014

Date Mailed: February 13, 2014

NOTICE OF APPE AL: The Claimant may appeal the De cision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsiderati on was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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 clai mant 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

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