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

IN THE MATTER OF:

Reg. No.: 2013-67425

Issue No.:

2009

Case No.: Hearing Date:

February 4, 2014

County: Wayne-41

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

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, upon the Claimant's request for a hearing. After due notice, an in person hearing was held o n February 4, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included The Claimant Participants on behalf of the Department included

ISSUE

Did the Department properly deny Claimant's Medical Assistance application?

FINDINGS OF FACT

- 1. Claimant applied for MA-P on July 2, 2013, with a request for retroactive coverage back to April 2013.
- 2. The Medical Review Team denied the application on August 27, 2013.
- 3. Claimant filed a reques t for hearing on September 4, 2013, regarding the MA denial.
- 4. A telephone hearing was held on February 4, 2014.
- On October 18, 2013, t he State Hearing Review Te am denied the applic ation because the medical evidence of record indicates that the Claimant' condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery.
- 6. The Claimant's limitations have lasted for 12 months or more.
- 7. Claimant was found to be disabled by the Social Sec urity Administration as of July 2012, pursuant to a notice of award dated November 26, 2013

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity 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 Bridges Reference Manual (BRM).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based u pon a finding of disability, the person meets the Department's MA disability criteria. No other evide nce is required to es tablish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for RSDI benefits based upon disability, and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to have an onset date of April 2013, prior to Claimant requesting MA-P. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P. At hearing, the Department agreed with this action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that Claimant is medically disabled as of April 2013.

Accordingly, the Departm ent's decision is hereby **REVERSED** and the Department is ORDERED to:

- 1. Initiate a review of the application for MA and Retro MA dated July 2, 2013, if not done previously, to determine Claimant's non-medical eligibility.
- 2. The Department shall inform Claimant of the determination in writing. A review of this case shall be set for February 2015.

Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 24, 2014

Date Mailed: February 24, 2014

NOTICE OF APP EAL: The claimant may appea I the Dec ision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, i f 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 o r 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 reas ons 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

ATM/las

CC:

