

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

**IN THE MATTER OF:**



Reg. No.: 2013-53565  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: October 23, 2013  
County: Muskegon

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 telephone hearing was held on October 23, 2013 from Lansing, Michigan. Participants on behalf of Claimant included Claimant's attorney [REDACTED] (P60662), [REDACTED] (Claimant's spouse) and [REDACTED] (Claimant). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Specialist) and [REDACTED] (Family Independence Manager).

**ISSUE**

Did the Department properly determine Claimant's eligibility for Medical Assistance (MA-P) and Retro MA-P based on disability?

**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 9, 2011, Claimant was deferred from the Jobs Education and Training (JET) program due to a disability.
2. The Department reviewed Claimant's disability on November, 2011.
3. On May 29, 2013, the Medical Review Team (MRT) determined that Claimant was no longer disabled for purposes of MA-P and Retro MA-P.
4. On May 30, 2013 and again on June 3, 2013, the Department caseworker sent Claimant notice of the decision.
5. On June 13, 2013, Claimant filed a request for a hearing to contest the Department's action.

6. On August 14, 2013, the State Hearing Review Team (SHRT) denied Claimant's application for MA-P and Retro MA-P.
7. A telephone hearing was held on October 23, 2013. During the hearing, the Administrative Law Judge held the record open to allow for Claimant's additional records to be submitted. Claimant consented and agreed to waive the time periods.
8. The Administrative Law Judge received additional records from Claimant and forwarded them to the SHRT for a second review.
9. On May 23, 2014, the SHRT approved Claimant's application for MA-P, and Retro MA-P.

### **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 Bridges Reference Manual (RFT).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

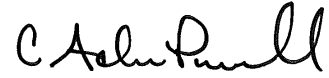
In the present case, the SHRT, on May 23, 2014, approved Claimant's application for MA-P and Retro MA-P with a medical review date of July, 2015.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department, through the SHRT, properly determined and verified Claimant's disability status.

Accordingly, the SHRT decision is **AFFIRMED** and Claimant's MA-P and Retro MA-P status shall be continued, provided that Claimant meets all of the other financial and non-financial requirements necessary to receive these program benefits. Additionally, the local office shall initiate an MA review by July, 2015 to determine Claimant's eligibility for continued MA-P, as specified on SHRT's decision dated May 23, 2014.

IT IS SO ORDERED.



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**C. Adam Purnell**  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 3, 2014

Date Mailed: June 3, 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

CAP/las

cc:

