

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

IN THE MATTER OF:



Reg. No.: 2013-66007
Issue No.: 2009, 4009
Case No.: [REDACTED]
Hearing Date: January 15, 2014
County: Lapeer

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 January 15, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant's mother/Authorized Hearing Representative (AHR)) and [REDACTED] (Claimant). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (PATH Worker).

This hearing was originally held by Administrative Law Judge (ALJ) Susie Harris. Judge Harris is no longer affiliated with the Michigan Administrative Hearing System – Department of Human Services division. This hearing decision was assigned to ALJ C. Adam Purnell to complete. This ALJ did consider the entire record including the audio recording, recorded testimony and all medical documents contained in the file when making this decision.

ISSUE

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

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 April 22, 2013, Claimant filed an application for MA-P, Retro MA-P and SDA benefits alleging disability.
2. On July 23, 2013, the Medical Review Team (MRT) denied Claimant's application for MA-P, Retro MA-P and SDA.

3. On July 25, 2013, the Department caseworker sent Claimant notice that his application was denied.
4. On August 14, 2013, Claimant filed a request for a hearing to contest the Department's action.
5. On October 10, 2013, the State Hearing Review Team (SHRT) denied Claimant's application.
6. A telephone hearing was held on January 15, 2014 before Administrative Law Judge (ALJ) [REDACTED]. During the hearing, ALJ Harris held the record open to allow for Claimant's additional records to be submitted. Claimant consented and agreed to waive the time periods.
7. The Administrative Law Judge received additional records from Claimant and forwarded them to the SHRT for a second review.
8. On April 1, 2014, the SHRT approved Claimant's application for MA-P, Retro MA-P and SDA. The SHRT further found that Claimant was approved effective January, 2013 and that an April, 2015 medical review was recommended.

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 April 4, 2014, approved Claimant's application for MA-P, Retro MA-P and SDA with a medical review date of April, 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, Retro MA-P and SDA 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 April, 2015 to determine Claimant's eligibility for continued MA-P and SDA, as specified on SHRT's decision dated April 1, 2014.

IT IS SO ORDERED.



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

Date Signed: June 30, 2014

Date Mailed: June 30, 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:

