

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-009007  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: October 15, 2014  
County: OAKLAND-DISTRICT 4

**ADMINISTRATIVE LAW JUDGE:** Susanne Harris

**HEARING DECISION**

Following the 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 15, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]; her daughter [REDACTED] and [REDACTED] of [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist, [REDACTED].

**ISSUE**

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance (MA-P) and retro-MA-P benefit programs?

**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 December 19, 2013, the Claimant applied for MA-P and retro MA-P.
2. On June 13, 2014, the Medical Review Team denied the Claimant's request.
3. On July 28, 2014, the Claimant submitted to the Department a request for hearing.
4. The Claimant is 43 years old.
5. The Claimant completed education through high school and one year of college.
6. The Claimant has employment experience and last worked in April 2013 as an administrative support clerk.

7. The Claimant's limitations have lasted for 12 months or more.
8. The Claimant suffers from encephalopathy, diabetes mellitus, gastro paresis, depression, retinopathy, neuropathy, seizures, stroke, chronic kidney disease, CVA and an altered mental state.
9. The Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, and lifting.
10. The Claimant has significant limitations on understanding, carrying out, and remembering simple instructions.
11. On November 10, 2014, the Claimant's Authorized Hearing Representative submitted the Claimant's Notice of Award from the Social Security Administration. The Claimant was approved for RSDI benefits with a disability onset date of April 28, 2013.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Bridges Eligibility Manual, Item 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning September 2013.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA program as of September 2013.

Accordingly, the Department is hereby ORDERED to open an ongoing MA case for Claimant effective September 2013.

*Susanne E. Harris*

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Susanne Harris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **11/14/2014**

Date Mailed: **11/14/2014**

SEH/hj

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

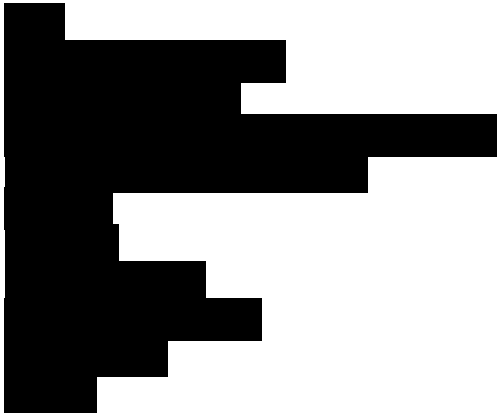
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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 48909-8139

CC:

A large black rectangular redaction covers the names and email addresses of the recipients listed in the CC field.