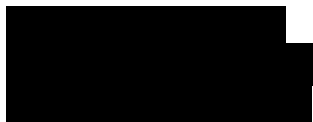


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2014-18391  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: May 14, 2014  
County: Van Buren

**ADMINISTRATIVE LAW JUDGE:** Janice G. Spodarek

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing to protest the denial of claimant's application for MA-P. After due notice, an in-person hearing was held on 5/14/14 in Van Buren County DHS, in Hartford, Michigan. Appellant was represented at the administrative hearing by [REDACTED] of Lansing, Michigan, who appeared by conference telephone.

**ISSUE**

Whether claimant meets the disability criteria for Medical Assistance (MA)?

**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 8/2/13, claimant applied for MA-P with the Michigan Department of Human Services (DHS).
2. Claimant applied for 3 months of retro MA.
3. On 9/18/13, MRT denied.
4. On 9/19/13, the department issued notice.
5. On 12/13/13, claimant filed a hearing request.
6. On 2/21/14, SHRT denied claimant.

7. At the administrative hearing, evidence indicates that claimant's application dated 11/3/13 for SSI with the Social Security Administration was approved beginning with the application month of November, 2013.
8. At the administrative hearing, the parties stipulated that the only time period at issue herein is for the three retro MA months of May, June, and July 2013.
9. Claimant's represented that the record be held open for the submission of additional medical records to SHRT for consideration of the 3 retro months. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 6/9/14 SHRT approved claimant the 3 retro months.

### **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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per PAM, Item 600.

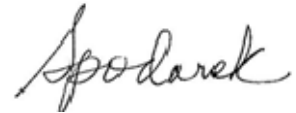
The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program as of the application date pursuant to the SSA determination, and, including the 3 retro MA months of May, June, and July 2013 pursuant to the subsequent SHRT decision, if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is hereby **REVERSED**.

The department shall review this case in accordance with its usual policy and procedure.



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Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 06/09/2014

Date Mailed: 06/11/2014

**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

2014-18391/JGS

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

JGS/sw

cc:

