

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

IN THE MATTER OF:



Reg. No.: 2014-29767
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: June 25, 2014
County: Jackson

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Claimant February 28, 2014 request for a hearing to protest the Department's denial of the Claimant's Medical Assistance (MA-P) and Retroactive MA-P. After due notice, a telephone hearing was held on Wednesday, June 25, 2014. The Claimant personally appeared and testified on his own behalf with his Authorized Representative, [REDACTED], from L&S, Inc.

ISSUE

Whether Claimant meets the disability criteria for MA-P and Retroactive MA-P.?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On December 2, 2013, Claimant applied for MA-P and retroactive MA-P to September 2013.
2. At the conclusion of the hearing, the record was held open at Claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved Claimant's claim of disability on July 10, 2014.
3. The Claimant alleges disability due to secondary to arthritis, back pain, hernia, seizures, depression, suicidal ideation, post-traumatic stress disorder, personality disorder, and alcohol abuse.. He is 55 years old and has a high school equivalent education with a history of less than gainful employment.

4. There was a Social Security Administration Administrative Law Judge decision dated January 8, 2013. This SS ALJ is only valid for the title 16 program of SSI. A review of the evidence presented with the SSA/ALJ supports that diligence has been given with regards to addressing the allegations, duration, and vocational issues as presented in the evidence found in the medical packet forwarded from the Michigan, Administrative Hearings System. MA-P and retroactive to MA-P are approved effective September 2013. MA-P needs to be reviewed for continuing benefits in August 2015.
5. This Administrative Law Judge finds, based on the SHRT decision and the objective medical evidence in the packet, that the Claimant is eligible for MA retroactive to September 2013 pending Department eligibility determination.

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.

To be automatically eligible for MA, an SSI recipient must be a Michigan resident and cooperate with third-party resource liability requirements. BEM 150. Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM 150. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement for SSI. BAM 115. A separate determination of eligibility must be made for each of the three retro months. BAM 115. To be eligible for a retro MA month, the person must meet all financial and non-financial (i.e., be disabled) factors in that month and have unpaid medical expense incurred during the month or have been entitled to Medicare Part A. BAM 115. A DHS-1171 (application) is not required for SSI recipients. BAM 115.

Because of the SHRT decision, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

Based on this application filed on December 2, 2013, the Claimant is eligible for MA-P retroactive to September 2013.

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 MA-P retroactive to September 2013 based on the December 2, 2013 application.

Accordingly, if it has not already done so, the Department is ORDERED to open an ongoing Medical Assistance case for the Claimant effective September 2013.



Carmen G. Fahie
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: 7/31/14

Date Mailed: 7/31/14

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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 Claimant;
- 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 48909-07322

CGF/tb

cc:

