

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

IN THE MATTER OF:



Reg. No.: 2014-33981
Issue No.: 2009;4009
Case No.: [REDACTED]
Hearing Date: July 22, 2014
County: Ingham

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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. After due notice, an in-person hearing was to be held on [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medicaid (MA), Retro-MA and State Disability Assistance (SDA) application based on a finding she lacks a legally disabling condition?

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 January 17, 2014, Claimant applied for MA/Retro-MA and SDA based on disability.
2. When the Department denied that application, Claimant requested a hearing by written notice dated April 3, 2014.
3. On June 3, 2014, the State Hearing Review Team (SHRT) approved Claimant's MA and SDA application based on Vocational Rule 201.00(H).

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 Reference Tables 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 Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT reversed the Medical Review Team's earlier finding of lack of disability based on further review of the medical evidence. The SHRT determined the medical evidence establishes Claimant is currently disabled, and has been disabled at all times relevant to her [REDACTED], MA/Retro-MA and SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department, through SHRT, properly determined Claimant's disability status upon further consideration of the medical evidence.

Accordingly, there is no need for the hearing on [REDACTED]. SHRT's decision is **AFFIRMED** and Claimant's disputed MA/Retro-MA and SDA application shall be processed with benefits awarded retroactive to [REDACTED] as long as Claimant meets all of the other financial and non-financial requirements necessary to receive them.

It is SO ORDERED.



Colleen Lack
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 7/18/14

Date Mailed: 7/18/14

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CL/tb

cc:

