

6. Claimant completed education through high school.
7. Claimant's limitations have lasted for 12 months or more.
8. Claimant suffers from gastroesophageal reflux disease (GERD) and arthritis.
9. On September 26, 2013, the Social Security Administration (SSA) found Claimant disabled for a closed period of April 21, 2011, through May 23, 2013.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 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).

During the hearing, this Administrative Law Judge discovered that the SSA had issued a partially favorable decision on September 26, 2013. SSA determined Claimant was disabled for a closed period. SSA found Claimant disabled from April 21, 2011, through May 23, 2013. SSA found Claimant's disability ended as of May 24, 2013. Claimant failed to appeal this determination. The medical evidence of record does not show any "other" impairments not considered by the SSA nor does the record demonstrate objective findings which would show significant worsening of Claimant's condition. Based upon 42 CFR 435.541, the SSA has made a final determination

Because of the SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability per BEM 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the retro month requested of May 2013. The month of application denial is UPHeld based upon the SSA final determination.

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 for the month of May 2013.

Accordingly, the Department's decision regarding MA benefits is PARTIALLY REVERSED. The Department is hereby ORDERED to open an MA case for the retro

month requested of May 2013 in accordance with policy. The determination regarding application month is UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 18, 2014

Date Mailed: February 18, 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

JWO/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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