

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

IN THE MATTER OF:



Reg. No.: 15-002044
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: March 11, 2015
County: Ionia

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following 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 Wednesday, March 11, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. [REDACTED] withdrew their representation of the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Eligibility Specialist.

ISSUE

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

FINDINGS OF FACT

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

1. On April 10, 2014, the Claimant applied for MA-P with retroactive MA to January 2014.
2. On May 21, 2014, the Medical Review Team (MRT) denied the Claimant's application for MA-P and retroactive MA stating that the Claimant was capable of performing her past relevant work per 20 CFR 416.920(e).
3. On December 11, 2014, the Department Caseworker sent the Claimant a notice that her application was denied.
4. On December 31, 2014, the Department received a hearing request from the Claimant, contesting the Department's negative action.

5. The Claimant is a 38 year-old woman whose date of birth is [REDACTED]. The Claimant is 5' 2" tall and weighs 100 pounds. The Claimant has completed High School and 1 ½ years of college majoring in Business Management. The Claimant can read and write and do basic math. The Claimant was last employed as an assembler at the sedentary level in February 2008. The Claimant has also been employed as a cashier at the light level.
6. The Claimant's alleged impairments are osteoarthritis in the hip, tail bone and sacrum, car accident in January 17, 2001 resulting in a closed head injury, thoracic outlet syndrome, severe IBS, colitis, bipolar disorder II, depression, and borderline personality disorder.
7. On September 11, 2014, the Claimant received an unfavorable ruling from the Social Security Disability Determination Appeals Council, which is a controlling ruling.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and 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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

This is a case in which the Disability Determination Service has denied the SSI claim in the past 12 months. Since the allegations are the same, the Social Security Appeals Decision is required to be used as the basis for this decision. Therefore, Claimant's application for MA and retroactive MA is denied and no further analysis is required.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department correctly determined that Claimant is not currently disabled for MA/Retro-MA eligibility purposes. The Disability Determination Service has denied the Claimant's SSI claim in the past 12 months.

Accordingly, the Department's decision is **UPHELD**.



Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human
Services

Date Signed: **4/22/2015**

Date Mailed: **4/22/2015**

CGF/las

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:

