

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006352
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: July 23, 2015
County: Jackson

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, telephone hearing was held on Thursday, July 23, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her Attorney, [REDACTED], P# [REDACTED] from [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], General Services Program Manager 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 May 2, 2013, the Medical Review Team (MRT) approved the Claimant for MA and retroactive MA from November 2012 with a medical review in May 2014.
2. On June 24, 2014, the Claimant applied for MA-P and retroactive MA to March 2014.
3. On March 28, 2015, the Medical Review Team (MRT) denied the Claimant's application for MA-P and retroactive MA stating that the Claimant was capable of performing other work under Medical/Vocational Grid Rule 202.20 per 20 CFR 416.909 (f).
4. On March 31, 2015, the Department Caseworker sent the Claimant a notice that her application was denied.

5. On April 27, 2015, the Department received a hearing request from the Claimant, contesting the Department's negative action.
6. The Claimant is a 47 year-old woman whose date of birth is [REDACTED]. The Claimant is 5' 3" tall and weighs 160 pounds. The Claimant has completed High School and some college classes. The Claimant can read and write, but can't do basic math because of her strokes. The Claimant was last employed as a driver at the sedentary level in May 2014. The Claimant has also been employed as a veterinarian technician, cashier/stocker, and cafeteria worker at light level.
7. The Claimant's alleged impairments are fibromyalgia, 3 knee infections 2014, 3 strokes in 2005, memory issues, infection in the right knee in March 2015, which required a spacer and a new knee replacement.

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.

In this case, the Claimant is eligible for MA until May 2014 based on the MRT decision dated May 2, 2013. Even though the Claimant subsequently applied on June 24, 2014 for MA retroactive March 2014, she was already eligible based on disability from the MRT decision until May 2014. L&S is looking for MA coverage from March 2014 through May 2014. The Claimant is eligible for that contesting time period if she meets the financial eligibility resulting in a spend-down or deductible.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy because the Claimant was eligible for MA based on an MRT decision for the contested time of March 2014 through May 2014.

DECISION AND ORDER

Accordingly, the Department's determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination of the Claimant's eligibility for MA based on the MRT decision dated May 2, 2013 approving the Claimant for MA during the contested time period of March 2014 through May 2014.
2. Provide the Claimant and her Authorized Representative with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

Carmen G. Fahie

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

Date Signed: **7/28/2015**

Date Mailed: **7/28/2015**

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.

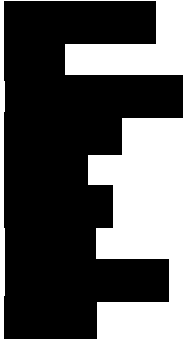
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

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