

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant

Reg. No: 2007-20472/2008-28814
Issue No: 2009/4031
Case No: ██████████ A
Load No: ██████████
Hearing Dates:
November 21, 2007/December 11, 2008
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, a telephone hearing was held on November 21, 2007 regarding claimant's May 30, 2007 application for Medicaid Assistance and State Disability Assistance. Claimant was not represented at the time of the hearing. December 11, 2008, an in-person hearing was held regarding claimant's February 13, 2008 application for Medical Assistance. Claimant was represented by ██████████
██████████

ISSUE

Whether claimant has established disability for purposes of qualifying for Medical Assistance (MA) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

(1) Administrative Hearing 2007-20472 and 2008-28814 are combined in this Decision and Order.

(2) May 30, 2007, claimant applied for MA and SDA. Claimant submitted medical records for department consideration.

(3) June 27, 2007, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(4) July 9, 2007, the department sent claimant written notice that the application was denied.

(5) July 12, 2007, the department received claimant's timely request for hearing.

(6) October 10, 2007, the State Hearing Review Team (SHRT) denied claimant's application. Department B.

(7) November 21, 2007, the telephone hearing was held. Prior to the close of the record, claimant requested the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision.

(8) July 31, 2009, after review of all medical evidence, the SHRT approved claimant's application. SHRT Decision, 7/31/09.

(9) Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month prior to the date of application. Claimant meets the disability requirements to qualify for SDA effective the month of his application.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested.

Program Eligibility Manual (PEM) 260

LEGAL BASE

MA

Disability

42 CFR 435.540, .541

MCL 400.106

In this case, the claimant received a fully favorable decision from the SHRT regarding claimant's disability. The SHRT determined that claimant is disabled. Finding of Fact (FOF) 8-9. As such, it is not necessary for the Administrative Law Judge to discuss claimant's disability.

Claimant meets the disability requirements under the law for Medical Assistance effective the earliest appropriate retroactive month prior to his application of May 2007. Claimant meets the disability requirements for State Disability Assistance effective the application month of May 2007. Finding of Fact 9.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for purposes of Medical Assistance

effective with the earliest appropriate retroactive month prior to the application month of May 2007 and State Disability Assistance effective May 2007.

Accordingly, the department's action is HEREBY REVERSED. If it has not already done so, the department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning with the earliest retroactive month prior to May 2007 and State Disability Assistance beginning with May 2007. If otherwise eligible, medical review date is set for August, 2010.

/S/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2009

Date Mailed: August 25, 2009

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.

JAB/db

cc:

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