

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-16693
Issue No: 2009
Case No: [REDACTED]
Load No:
Hearing Date:
June 18, 2008
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA-P. After due notice, a telephone hearing was held.

ISSUE

Whether claimant meets the disability criteria for MA-P?

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 9/27/07, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant did not apply for retro MA.
- (3) On 2/2/08, MRT denied.
- (4) On 2/27/08, the department issued notice.
- (5) On 3/18/08, claimant filed a hearing request.

(6) On 5/22/08, SHRT denied claimant.

(7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 12/16/09, SHRT once again denied claimant for insufficient information.

(8) On 12/18/09, the undersigned Administrative Law Judge received an Interim Order Leaving Record Open for Insufficient Information. Claimant had 15 days from the date of the Interim Order to contact the DHS office to indicate whether claimant would choose to have the record open or not. The Interim Order states in part:

“If claimant fails to contact the DHS local office within the allocated 15 day period, claimant's case will be denied.”

(9) To date, no correspondence has been received from claimant and/or the local DHS office regarding any request by claimant regarding SHRT's request for additional testing.

(10) On 4/1/10 the undersigned Administrative Law Judge received an updated SOLQ indicating that claimant had been approved Social Security with an eligibility date of 9/1/07 which was classified as a: “T31”. A review of the codes indicates that a T31 means that claimant's case was terminated.

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).

Regarding the second SHRT decision denying for insufficient information, it is noted in the Findings of Facts, claimant was issued an Interim Order giving claimant 15 days to make a decision as to whether he wanted to proceed with the additional testing. There was no communication and/or the local DHS office. As such, under the cited authority in the Interim Order -- 20 CFR 416.93, claimant's case is denied.

In the alternative, it is noted that Social Security issued a favorable decision on behalf of claimant that immediately appeared to close claimant's case based upon a T31 payment status code. Thus, there is no disability issue to decide and evidently no eligibility due to other reasons.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program pursuant to the Social Security decision, as of the 9/27/07 application date with the Michigan DHS, including any retro MA months if otherwise eligible, and as permitted under policy and procedure. It is noted however that the SOLQ indicates that claimant's case was terminated pursuant to a payment status code of T31. The department is to review the SOLQ and make a determination as to whether any action is required under policy and procedure.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 28, 2010

Date Mailed: April 30, 2010

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.

JS/lk

cc:

