

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: 2008-22484
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2008
Wayne 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. Claimant was represented at the administrative hearing by [REDACTED]

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) At all relevant times prior to the proposed negative action herein, claimant was an MA recipient based on disability since 2006 with the Michigan DHS.

(2) On 5/12/06, claimant was denied by MRT at review. The DHS stipulated it failed to close and did not produce a Notice of Closure. Subsequently, the DHS closed the case but stipulated they reopened the case in error on 12/01/06.

(3) On 8/15/07, the DHS processed paperwork on behalf of claimant for both a review/redetermination as well as a new application date. MRT denied the case on the basis of a new application date of 8/15/07.

(4) The DHS did not send notice of denial on the MRT denial of the 8/15/07 application until 6/20/08. Claimant did not request a hearing; however, the department incorrectly reinstated the case.

(5) The parties stipulated at the administrative hearing that the case herein will be treated as a new application. Due to a subsequent Social Security approval, the treatment of this case as a review or new application is irrelevant. Claimant continues to receive MA-P benefits.

(6) There is no issue herein regarding retro MA.

(7) On 6/18/08, SHRT denied claimant.

(8) The undersigned Administrative Law Judge was on an extended leave from 8/1/08, returning full time 2/1/09. None of the ALJ's pending cases were reassigned while on leave; no protected time afforded before or after leave for issuing decisions.

(9) 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 4/13/09, SHRT once again denied claimant.

(10) Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the programs with a disability onset date of 8/24/05.

(11) On 9/07/10, the undersigned Administrative Law Judge received an SOLQ SSA Response Reporting indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as 8/24/05. There are no months left for review.

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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant continues to meet the definition of medically disabled under the Medical Assistance program as of the 8/15/08 application date, if claimant is otherwise eligible and meets the non-disability criteria.

The department shall review this case in accordance with its usual policy and procedure.

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

Date Signed: September 29, 2010

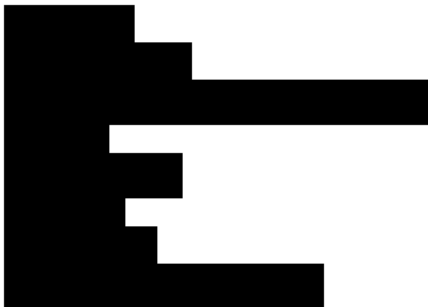
Date Mailed: September 29, 2010

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/tg

cc:

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