

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: 2008-24768
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 8, 2008
Delta 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 October 8, 2008.

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) April 28, 2008, claimant applied for MA and SDA. Claimant submitted medical records for department consideration.

(2) June 26, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) June 30, 2008, the department sent claimant written notice that the application was denied.

(4) July 3, 2008, the department received claimant's timely request for hearing.

(5) July 23, 2008, the State hearing Review Team (SHRT) denied claimant's application. Department B.

(6) October 8, 2008, the telephone hearing was held. Prior to the closing of the record, additional medical evidence was submitted. Claimant waived the right to a timely hearing decision.

(7) May 5, 2009, after review of new medical evidence, the SHRT approved claimant's disability effective with retroactive month of January 2008. SHRT Decision, 5/5/09.

(8) Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month of application. Claimant meets the disability requirements to qualify for SDA effective the month of 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 and disability onset effective January 2008. Finding of Fact (FOF) 7-8. 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 January 2008 and meets the disability requirements for State Disability Assistance effective the month of application.

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 retro active month of application and State Disability Assistance effective the month of application.

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 retro active month of application and State Disability

Assistance beginning with the month of application. If otherwise eligible, medical review date is set for May 2012.

/s/

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

Date Signed: July 27, 2009

Date Mailed: July 29, 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:

