

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
FOR THE DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

SOAHR Docket No. 2008-26144 REHD

DHS Reg No: 2008-25143

Case No: [REDACTED]

[REDACTED]

Claimant

_____ /

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.919 upon an Order of Reconsideration granted on September 11, 2008.

ISSUE

Is Claimant entitled to a hearing on whether he meets the disability standard for Medical Assistance based on disability (MA-P) beginning July 2007?

FINDINGS OF FACT

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

1. On October 31, 2007, Claimant applied for MA-P and retroactive MA-P benefits.
2. On February 1, 2008, the Medical Review Team denied Claimant's application for MA-P benefits.
3. On February 7, 2008, the Department sent notice of the denial of MA-P to Claimant; and the notice indicated that Claimant was not eligible for State Disability Assistance (SDA).
4. On May 6, 2008, Ingham County Department of Human Services (DHS) received a hearing request from Claimant's authorized representative, L & S Associates, Inc.

5. L & S filed the hearing request to protest the denial of Claimant's application for MA-P and retro MA-P benefits.
6. The hearing request was received by the State Office of Administrative Hearings and Rules (SOAHR) on May 15, 2008.
7. On July 22, 2008, SOAHR for DHS issued an Order of Dismissal on the basis that the Hearing Request was untimely.
8. On July 29, 2008, SOAHR received Claimant's Motion to Reinstate the Hearing Request.
9. After receiving Claimant's Motion to Reinstate, SOAHR received additional documentation which states that the Social Security Administration (SSA) determined that Claimant is eligible for disability benefits, and the onset of his disability is July 15, 2007.
10. On September 11, 2008, SOAHR for DHS granted Claimant's request for Reconsideration and issued a Notice of Reconsideration to Claimant and L& S Associates.

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 SSA determination, it is not necessary for Claimant to have a hearing before an Administrative Law Judge to discuss the issue of disability. (See PEM Item 260) According to the SSA disability determination, Claimant meets the MA-P disability standard effective July 2007.

Maykowski, Marc
SOAHR Docket No: 2008-26144 REHD
DHS Reg No: 2008-26136
Reconsideration Decision

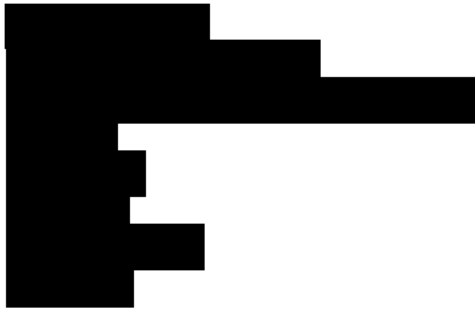
ORDER

IT IS THEREFORE ORDERED that, if it has not already done so, the Department shall determine whether Claimant is otherwise eligible for MA benefits beginning July 2007, and issue any retroactive MA benefits that Claimant is otherwise eligible to receive based on an application date of October 31, 2007.

/s/ _____

Martin Snider
Administrative Law Judge
State Office of Administrative Hearing and Rules

cc:



Date Signed: February 20, 2009

Date Mailed: February 20, 2009

*****Notice*****

The Claimant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.