

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: 2008-25707
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2009
Iosco 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 6/3/08, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant did not apply for retro MA.
- (3) On 7/3/08, MRT denied.
- (4) On 7/7/08, the department issued notice.
- (5) On 7/14/08, claimant filed a hearing request.

(6) On 8/5/08, 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 11/10/09, SHRT denied a second time on the basis of insufficient information. On 11/19/09, the undersigned Administrative Law Judge issued an Interim Order Leaving Record Open For Insufficient Information.

(8) Prior to the disposition of the request for the medicals, the local office informed the undersigned Administrative Law Judge that claimant was approved Social Security by the SSA. Claimant's onset date is identified by SSA as July 11, 2006. 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 meets the definition of medically disabled under the Medical

Assistance program as of the 6/3/08 application date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

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: February 11, 2010


Date Mailed: February 18, 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/cv

cc:

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