

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: 2008-30076
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 5, 2009
Saginaw 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 March 5, 2009.

ISSUE

Whether claimant has established disability for Medical Assistance (MA) and State Disability Assistance (SDA).

FINDINGS OF FACT

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

(1) May 12, 2008, claimant applied for MA, retroactive MA, and SDA. Claimant submitted medical records for department consideration.

(2) August 6, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) August 12, 2008, the department sent claimant written notice that his application was denied.

(4) August 13, 2008, the department received claimant's timely request for hearing.

(5) September 16, 2008, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(6) March 5, 2009, the telephone hearing was held. Prior to the closing of the record, the claimant submitted additional medical evidence. Claimant waived his right to a timely hearing decision.

(7) March 24, 2009, after review of the new medical evidence, the SHRT approved claimant's disability effective May 2008. Retroactive MA was approved effective February 2008. SHRT Decision, 3/24/09.

(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 his 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 260
Legal Base 42 CFR 435.540, .541
MCL 400.106

In this case, claimant received a fully favorable decision from the SHRT regarding claimant's disability. The SHRT determined that claimant is disabled and disability onset effective claimant's earliest month of retroactive MA. Finding of Fact 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 his earliest retroactive month 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 claimant has established disability for purposes of Medical Assistance and State Disability Assistance.

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 and State Disability Assistance in compliance with this Decision and Order and

department policy. If otherwise eligible, medical review is set for April 2010. Claimant is to provide progress notes and test reports from attending physicians and specialists at review.

/s/

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

Date Signed: April 1, 2009

Date Mailed: April 2, 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:

