

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: 2008-31220
Issue No: 2009
Case No: [REDACTED]
Hearing Date:
January 15, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 January 15, 2009. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability standard for purposes of Medical Assistance benefit eligibility?

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 August 1, 2008, claimant filed an application for Medical Assistance benefits alleging disability.
- (2) On August 29, 2008, the Medical Review Team denied claimant's application stating that claimant could perform other work.

(3) On September 3, 2008, the department caseworker sent claimant notice that her application was denied.

(4) On September 8, 2008, claimant filed a request for a hearing to contest the department's negative action.

(5) On September 26, 2008, the State Hearing Review Team again denied claimant's application stating that there was insufficient evidence and requested a complete independent physical consultative examination.

(6) Claimant alleges as disabling impairments: gallstones, hernia, depression, hepatitis C, right knee gunshot wound and back surgery.

(7) On February 5, 2009, it was determined by SLLQ SSA response report #SA-010 that claimant has received SSI from the Social Security Administration with a disability onset date of [REDACTED].

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).

Based upon the Social Security Administration's determination that claimant is eligible for SSI benefits; this Administrative Law Judge does not have to address the issue of disability.

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 August 1, 2008 application date because her approval by the Social Security Administration indicates that claimant has a disability onset date of [REDACTED].

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an ongoing Medical Assistance case for claimant effective the month of SSI entitlement.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 16, 2009

Date Mailed: February 17, 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 mailing 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.

LYL/vmc

cc:

[REDACTED]