

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: 2008-28771

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 12, 2008

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, an in-person hearing was held on November 12, 2008. Claimant personally appeared and testified. She was assisted by [REDACTED].

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA eligibility purposes?

FINDINGS OF FACT

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

(1) Claimant is a married, 61-year-old female with two Associates Degrees but no relevant work history within the past 15 years.

(2) On April 28, 2008, claimant applied for disability-based MA/retro-MA.

(3) On August 28, 2008, the department's State Hearing Review Team (SHRT) issued a prehearing denial on claimant's application (Department Exhibit #2).

(4) At claimant's hearing on November 12, 2008, her authorized representative presented additional medical evidence which was forwarded to SHRT for a post-hearing review.

(5) On April 9, 2009, SHRT reversed its earlier denial and authorized retro-MA coverage to January, 2008, the earliest month possible under the department's current policy.

(6) SHRT determined claimant was disabled pursuant to Med-Voc Rule 202.04, and set a review of her condition to coincide with the month MRT set on a subsequent application approval.

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to her April 28, 2008 MA/retro-MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and it is Ordered that claimant's disputed MA/retro-MA application shall be processed with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. Furthermore, the local office shall conduct a review of claimant's condition as specified in the SHRT approval dated April 9, 2009.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 5, 2009

Date Mailed: May 5, 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.

2008-28771/mbm

MBM/db

cc:

