

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: 2008-28772
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 14, 2009
Ogemaw 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 January 14, 2009.

ISSUE

Whether claimant has established disability for Medical Assistance.

FINDINGS OF FACT

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

(1) April 22, 2008, claimant applied for MA and retroactive MA. Claimant submitted medical records for department consideration.

(2) June 4, 2008, the Medical Review Team (MRT) denied claimant's application.

Department Exhibit A.

(3) June 11, 2008, the department sent claimant written notice that her application was denied.

(4) August 14, 2008, the department received claimant's timely request for hearing.

(5) August 28, 2008, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(6) January 14, 2009, the telephone hearing was held. Prior to the close of the record, claimant submitted additional medical evidence. Claimant waived her right to a timely hearing decision.

(7) March 27, 2009, the Administrative Law Judge received notice from the Social Security Administration that claimant was approved for disability benefits from the Social Security Administration. Claimant's disability onset date was determined to be June 5, 2007. SSA Decision, March 19, 2009.

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).

Due to the SSA's action to approve claimant's disability with a disability onset date of June 5, 2007, it is not necessary for the Administrative Law Judge to discuss disability for Medical Assistance. Claimant meets disability requirements for MA effective the earliest retroactive month of application. Finding of Fact 7.

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 effective the earliest retroactive month prior to her April 2008 application.

Accordingly, the department's action is, hereby, REVERSED. If it has not already done so, the department is to initiate a determination of claimant's financial eligibilty for MA effective January 2008 in complianace with department policy and this Decision and Order.

/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:

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