

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.: 2009-11089  
Issue No.: 2009  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
July 13, 2009  
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on July 13, 2009. The claimant appeared and testified. The claimant was represented by [REDACTED] of [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

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 April 24, 2008, claimant's authorized representative filed an application on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to January 2008.
- (2) On April 28, 2008, the department denied claimant's application for benefits. Notice of denial was not sent to claimant's authorized representative.

- (3) On November 14, 2008, claimant's authorized representative filed a hearing request on claimant's behalf to protest the department's determination.
- (4) Thereafter, the Social Security Administration awarded claimant Retirement, Survivors and Disability Insurance (RSDI) with a disability onset date of September 12, 2007.
- (5) At the hearing, the department agreed to initiate reconsideration of claimant's April 24, 2008 application for MA-P in view of the Social Security Administration award of RSDI.
- (6) Claimant's authorized representative indicated satisfaction with the department's plan of action.

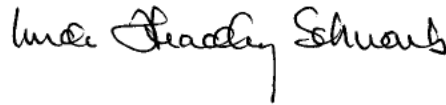
#### CONCLUSIONS OF LAW

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).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. The department agreed to initiate reconsideration of claimant's April 24, 2008 application for MA-P in view of the Social Security Administration award of RSDI benefits. Claimant's authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department shall initiate reconsideration of claimant's April 24, 2008 application for Medical Assistance in view of the Social Security Administration award of Retirement, Survivors and Disability Insurance. The department shall notify claimant and his authorized representative of it's determination in writing.



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Linda Steadley Schwarb  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 10/26/09

Date Mailed: 10/26/09

**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 the Circuit 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.

LSS/jlg

cc:

