

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: 2009-11739

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 23, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 April 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine that the claimant was not disabled for Medicaid (MA) and State Disability Assistance (SDA) 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 applied for MA and SDA on September 22, 2008.
2. On November 7, 2008, department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.
3. On December 2, 2008, department sent the claimant a notice saying her MA and SDA application has been denied.

4. On December 2, 2008, claimant requested a hearing on department's action.

5. On February 18, 2009, department's State Hearing Review Team (SHRT) also denied claimant's MA and SDA application due to insufficient evidence. SHRT decision stated that additional medical information should be obtained. This information included records of claimant's hospitalizations, a new physical examination and a mental status examination.

6. On April 23, 2009, the Administrative Law Judge commenced a telephone hearing with the claimant. During the course of the hearing claimant's telephone was disconnected and she could not be reached again. However, department had obtained additional medical information suggested by SHRT prior to the hearing, and this information was forwarded to SHRT for additional review.

7. On May 8, 2009, the Administrative Law Judge received SHRT's decision approving the claimant for MA and SDA, with retro MA approved effective June, 2008. A three year medical re-exam diary was suggested.

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 State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R

400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA, retroactive MA, and SDA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's September 22, 2008, MA and SDA application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA and retroactive MA, such benefits are to be granted effective June 1, 2008, so as to include retroactive MA coverage as specified in the SHRT decision.

3. A medical review of claimant's benefits is to take place in May, 2012.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 19, 2009

Date Mailed: May 20, 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.

IR/om

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed under the 'cc:' field.