

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: 2009-11829
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 18, 2009
Gladwin County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA-P. After due notice, an in-person hearing was held on 3/18/09. Claimant did not appear. Claimant's representative appeared [REDACTED] [REDACTED], who was representing a hospital in a collection matter. Claimant's whereabouts are unknown.

ISSUE

Whether claimant meets the disability criteria for MA-P?

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 9/30/08, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant applied for two months of retro MA.

- (3) On 10/08/08, MRT denied.
- (4) On 10/14/08, the department issued notice.
- (5) On 12/29/08, claimant filed a hearing request.
- (6) On 5/18/09, SHRT denied claimant.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 5/18/09, SHRT once again denied claimant.
- (8) Claimant did not appear at the administrative hearing. Claimant's representative requested to proceed with the hearing in claimant's absence. Claimant's representative had no evidence of claimant's whereabouts, address, residency—whether he is present in the United States, whether he is a resident of Michigan, whether he is working, or whether he is deceased.
- (9) On 9/7/10, the undersigned Administrative Law Judge received an SOLQ SSA Response Reporting indicating claimant was approved SSI disability benefits by SSA pursuant to an application date of 10/10/08 with the disability onset date of 12/15/05. The SOLQ contains the following code: T51—indicating claimant's SSA payments were terminated.

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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's posthumus financial eligibility for the requested benefits, if required by DHS policy and procedure.

As noted in the Findings of Fact, the codes on the SOLQ indicates a T51—claimant's payment status has been terminated. In claimant's Medical Eligibility Code is R—kill credit. Claimant's representative had no evidence of his address, whereabouts, whether he is a Michigan resident, whether he is living outside of the United States, or whether he is deceased. The department is ordered to review the SOLQ and obtain any necessary verifications from claimant's representative to establish that claimant meets the non-disability criteria eligibility requirements. If all eligibility criteria are met and the DHS has evidence of eligibility, then the DHS may open claimant's case pursuant to the dates outlined in this Decision and Order.

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 9/30/08 application date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

The SOLQ confirming a disability onset date of 12/15/05 contains the payment status code of "T51" indicating claimant was terminated. The department is ORDERED to obtain any necessary verifications from claimant's representative in order to establish that claimant meets the non-medical criteria as required under federal and state law and policy, pursuant to the codes on the SOLQ. If the DHS obtains necessary verifications which establish that claimant meets the non-medical disability criteria, then the DHS may open claimant's case in accordance with its usual policy and procedure and issue any supplemental benefits to which claimant may be entitled.

It is SO ORDERED.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2010

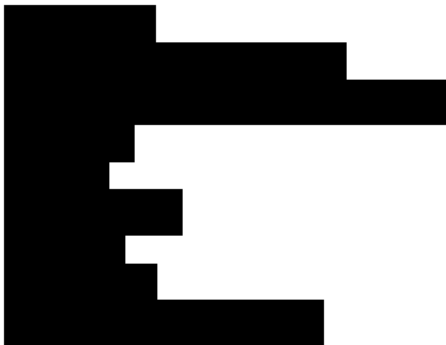
Date Mailed: September 29, 2010

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.

JS/tg

cc:

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