

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: 2009-13016
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 7, 2009
Ingham 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 April 7, 2009. Claimant did not appear; however, she was assisted by [REDACTED]. Additionally, claimant's son and Durable Power of Attorney testified on her behalf.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) eligibility purposes in June and July, 2008?

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 September 29, 2008, claimant applied for MA/retro-MA.

(2) On January 5, 2009, the department approved claimant eligible for MA beginning in August, 2008, but not earlier (Department Exhibit #1, pg 1).

(3) On March 17, 2009, the State Office of Administrative Hearings and Rules (SOAHR) issued an Order remanding the case back to the contested case arena for a *de novo* hearing on the merits of claimant's June/July 2008 disability status.

(4) At claimant's hearing on April 7, 2009, additional medical evidence was presented to support claimant's request for retro-MA coverage, effective June 1, 2008.

(5) This medical evidence was submitted to the department's State Hearing Review Team (SHRT) for post-hearing consideration.

(6) On June 17, 2009, SHRT reversed its earlier denial of retro-MA coverage in the two contested months (June/July, 2008), based on a finding that Medical-Vocational Rule 202.01 directs a disability allowance in those months.

(7) SHRT also recommended seven year diary for claimant's case be done in June, 2016.

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 this dispute, specifically, starting June 1, 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that 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 retro-MA application shall be processed effective June, 2008, as long as all the other financial and non-financial requirements necessary to receive benefits exists. Furthermore, the local office shall conduct a seven year diary of this case in June, 2016.

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

Date Signed: June 18, 2009

Date Mailed: June 22, 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.

2009-13016/mbm

MBM/db

cc:

