

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: 2009-13273

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 13, 2009

Muskegon 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 May 13, 2009.

ISSUE

Whether claimant has established disability for purposes of qualifying for Medical Assistance (MA) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

(1) October 17, 2008, claimant applied for MA and SDA. Claimant submitted medical records for department consideration.

(2) December 10, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) January 12, 2009, the department sent claimant written notice that her application was denied.

(4) January 14, 2009, the department received claimant's timely request for hearing.

(5) March 17, 2009, the State hearing Review Team (SHRT) denied claimant's application. Department B.

(6) May 13, 2009, the telephone hearing was held. Prior to the closing of the record, claimant requested the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision.

(7) July 31, 2009, after review of all medical records, the SHRT approved claimant's application. Social Security Administration (SSA) approved claimant's disability with disability onset date of March 24, 2008. SHRT Decision, 7/31/09.

(8) Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month prior to the application month of October 2008. Claimant meets the disability requirements to qualify for SDA effective the application month of October 2008.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested.

Program Eligibility Manual (PEM) 260

LEGAL BASE

MA

Disability

42 CFR 435.540, .541

MCL 400.106

In this case, the claimant received a fully favorable decision from the SHRT regarding claimant's disability with disability onset date of March 24, 2008. Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month prior to the application month of October 2008. Claimant meets the disability requirements to qualify for SDA effective the application month of October 2008. Finding of Fact 7-8.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for purposes of Medical Assistance effective with the earliest retro active month of application and State Disability Assistance effective October 2008.

Accordingly, the department's action is **HEREBY REVERSED**. If it has not already done so, the department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning with the earliest retro active month of application and State Disability

Assistance beginning the month of application. No medical review date is necessary as claimant is approved for SSA benefits.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 17, 2009

Date Mailed: August 19, 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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