# STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: Reg. No: 200917507

Issue No: <u>2009</u>

Case No: Load No:

Hearing Date: October 15, 2009

Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

# 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 to protest the denial of claimant's application for MA-P. After due notice, an in-person hearing was held on 10/15/09. Claimant was represented at the administrative hearing by

## <u>ISSUE</u>

Whether claimant meets the disability criteria for Medical Assistance (MA)?

#### 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 9/23/08, claimant applied f or MA-P with the Michigan Department of Human Services (DHS).
- (2) Claimant applied for 3 months of retro MA.
- (3) On 11/14/08, MRT denied.
- (4) On 11/20/08, the department issued notice.
- (5) On 2/17/09, claimant filed a hearing request.
- (6) On 4/20/09, SHRT denied claimant.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional m edical records. Medical records were received and submitted to the Stat e Hearing Review Team (SHRT), and on 10/21/09 SHRT once again denied claimant.

- (8) Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the program s with a disability onset date of
- (9) On 1/7/11, the undersigned Administrative Law Judge received an SOLQ SSA Response Reporting indicating c laimant was approved disability benefits by SSA. Claimant's onset date is identified as There are no months left for review.

# **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is estab lished by Title XI X of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

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

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and c onclusions of law, decides that the cl aimant meets the def inition of medically dis abled under the Medical Assistance program as of the 9/23/08 application dat e, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

The department shall review this case in accordance with its usual policy and procedure.

		/s/	
	Janice	.e. <u> </u>	Spodarek Administrative Law Judge for Duane Berger, Interim Director Department of Human Services
Date Signed:January 18, 2011			
Date Mailed:January 19, 2011	_		

**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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 Decis ion and Order or, if a timely request for r ehearing was made, within 30 days of the receipt date of the rehearing decision.

JS/vc



