

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: 2009-17515
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2009
Bay 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 May 27, 2009. Claimant was represented at the administrative hearing by [REDACTED] [REDACTED] with [REDACTED] of Lansing, Michigan.

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 9/19/08, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant did apply for three months of retro MA.
- (3) On 11/5/08, MRT denied.

- (4) On 12/4/08, the department issued notice.
- (5) On 2/23/09, claimant filed a hearing request.
- (6) On 4/20/09, SHRT denied claimant for insufficient information.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Prior to the submission of the full records for review, the undersigned Administrative Law Judge received correspondence from the local office indicating that claimant was approved by SSA but denied due to excess income under Title XVI.

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 ordered to review the SSA determination which found disability but denied claimant due to: "recipient's countable income exceeds Title VI..." The SSA indicates claimant's entitlement date is 8/09/08; that the denial date of 5/20/09 is due to excess income. The department is to make an assessment as to whether claimant meets any possible eligibility requirements under these facts pursuant to federal law in DHS policy and procedure.

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 pursuant to the SSA entitlement approval which indicates a disability onset date of 8/09/08; that a denial date by SSA on 5/20/09 due to claimant's countable income exceeding Title XVI payment out. The department is ordered to make an assessment as to any financial eligibility for claimant under the facts determined by the Social Security Administration.

/s/

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

Date Signed: April 16, 2010

Date Mailed: April 16, 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/lk

cc:

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