

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: 2009-17921

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 18, 2009

Van Buren 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, a telephone hearing was held on June 18, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) eligibility purposes?

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 November 3, 2008, claimant applied for MA/retro-MA.
- (2) On January 23, 2009, the department denied this application.

(3) Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted a record extension request for the submission of updated medical and psychological reports.

(4) When received, these reports were forwarded to SHRT for a post-hearing review.

(5) On August 17, 2009, SHRT reversed its earlier denial of claimant's disputed MA/retro-MA application based on a finding that claimant meets Medical Vocational Rule 202.04 with retroactive MA approved starting August 1, 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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional 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 his November 3, 2008 MA/retro-MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed MA/retro-MA application shall be processed with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, the local office shall conduct a review of claimant's condition in August 2016, unless claimant is approved for Social Security disability benefits by that time. **SO ORDERED.**

/s/

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

Date Signed: September 2, 2009

Date Mailed: September 3, 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.

MBM/db

cc:

