STATE OF MICHIGAN

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

IN THE MATTER OF:



Reg No. 200920655 Issue No. 2009

Issue No. 2 Case No.

Load No.

Hearing Date: June 16, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, an in-person hearing was held, Tuesday, June 16, 2009. The claimant personally appeared and testified with her fiance, as a witness and authorized representative,

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance?

FINDINGS OF FACT

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

- 1. On July 10 2008, the claimant applied for MA-P with retroactive MA-P to June 2008.
- 2. Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the RSDI program effective

3. This Administrative Law Judge based on the objective medical evidence in the record decides that the claimant's impairments were severe and in existence on June 1, 2008, which should result in the claimant being eligible for MA-P retroactive to June 2008.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to June 2008.

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 retroactive to June 2008.

Accordingly, the department is ORDERED to initiate a review of the July 10, 2008 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

	/s/
	Carmen G. Fahie
	Administrative Law Judge
	For Ismael Ahmed, Director
	Department of Human Services
Date Signed: <u>August 11, 2010</u>	
Date Mailed:August 11, 2010	

200920655/CGF

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 mailing 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.

CGF/vc

