

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: 2009-20735  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 5, 2009  
Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 August 5, 2009. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was her father [REDACTED]

ISSUE

Did the department properly deny claimant's Medicaid (MA) and retroactive MA application, finding she lacks a legally disabling condition?

FINDINGS OF FACT

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

1. Claimant applied for MA and retro MA on September 5, 2008.
2. On January 30, 2009 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On February 28, 2009 department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on March 23, 2009.

5. On May 19, 2009 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review. On August 18, 2009 SHRT denied claimant's application due to insufficient evidence, and suggested additional medical exams be obtained.

7. On August 19, 2009 the Administrative Law Judge faxed SHRT decision to the local county DHS office asking additional medical exam be scheduled and report from it provided. Local DHS office never responded to this request.

8. On March 30, 2010 an SOLQ report was obtained by SOAHR and showed that the claimant had been found disabled by SSA and approved for RSDI benefits. SSA disability onset date is April 26, 2006.

9. Bridges inquiry by SOAHR also shows that DHS approved the claimant for Medicaid-Freedom to Work program on March 23, 2010.

#### 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In Michigan, the SSA's determination of disability onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA pursuant to BEM 260.

The SSA determined claimant has been disabled since April 26, 2006. Consequently, the department must reverse its MA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA application and issue her any benefits she was entitled to but did not receive, based on September 5, 2008 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Department shall take into account any MA granted to the claimant while this hearing decision was pending due to lack of information of the SSA approval by the Administrative Law Judge.
3. Notify the claimant of this determination in writing.

SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 5, 2010

Date Mailed: April 6, 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 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.

cc:

