

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: 2009-22843

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 22, 2009

Jackson 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 Medical Assistance. After due notice, a telephone evidentiary hearing was held on July 22, 2009.

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) The department's hearing summary in this case states that on 1/23/09 [REDACTED] applied for MA-P for claimant. Claimant disputed the claim by [REDACTED] indicating she had no memory or recollection of [REDACTED] representing her or of signing any document. On 7/22/09, claimant signed a statement withdrawing [REDACTED] from any representation of her in this matter.

- (2) On 2/10/09, MRT denied.
- (3) On 2/13/09, the department issued notice.
- (4) On 3/11/09, claimant requested a hearing.
- (5) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). On August 26, 2009, SHRT approved claimant stating that claimant was approved SSI by SSA.

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.

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 as of claimant's January 23, 2009 MA application with the Michigan DHS, and including any retro months if applicable, if claimant is otherwise eligible.

Pursuant to the SHRT comment section in the Decision, “no medical review required per policy guidelines.”

If not already done, the DHS is ORDERED to open an MA case on behalf of claimant as required under policy and procedure, if otherwise eligible.

/s/

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

Date Signed: September 14, 2009

Date Mailed: September 14, 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.

JS/cv

cc:

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