

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.: 2009-24532

Issue No.: 2009

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

July 23, 2009

Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on July 23, 2009. The claimant appeared at the hearing with his authorized representative [REDACTED] of [REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

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 March 7, 2008, an application was filed on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to February 2008.
- (2) The department did not issue a decision with regard to the March 7, 2008 application for MA-P.

- (3) On November 13, 2008, a hearing request was filed to protest the department's failure to provide requested benefits.
- (4) Thereafter, the Social Security Administration found claimant to be disabled with a disability onset date of February 10, 2004.
- (5) At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of the March 7, 2008 application for MA-P so as to consider eligibility for all other non-medical eligibility criteria. The department agreed to notify claimant and his authorized representative of its determination in writing.
- (6) Claimant and his authorized representative indicated satisfaction with the department's plan of action.

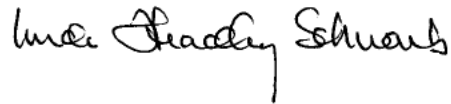
CONCLUSIONS OF LAW

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).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. Based upon a Social Security Administration award of disability, the department agreed to initiate consideration of the March 7, 2008 application for MA-P so as to consider eligibility for all other non-medical eligibility criteria. The department agreed to notify claimant and his authorized representative of its determination in writing. Claimant and his authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate consideration of claimant's March 7, 2008 application for Medical Assistance. The department shall notify claimant and his authorized representative of it's determination in writing.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/22/09

Date Mailed: 10/22/09

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 the Circuit 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 recip date of the rehearing decision.

LSS/jlg

cc:

