

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: 2009-24727
Issue No: 2009
Case No: [REDACTED]
Load No:
Hearing Date:
July 16, 2009
Lenawee 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 July 16, 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 20, 2008, claimant applied for MA.
- (2) On February 9, 2009, the department sent claimant a denial notice.
- (3) On May 1, 2009, the department received claimant's hearing request protesting this denial.

(4) On July 16, 2009, claimant's hearing was held and she presented additional medical evidence.

(5) On July 31, 2009, the department's State Hearing Review Team (SHRT) reversed its earlier finding of lack of disability stating:

...she has a history of depression and recently has begun in April of 2009 treatment with a diagnosis of major depression with psychosis and posttraumatic stress disorder. She was treated for an anxiety disorder during her May 2008 admission for asthma.

The emotional condition is severe and is expected to require ongoing treatment and prevent work for more than one year.

Medical onset can be set at March of 2009 which is when retro-MA becomes effective.

A one year medical re-exam is recommended on 7/20/10.

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 the department's earlier finding of lack of disability based on her mental impairments only. This Administrative Law Judge fully concurs with SHRT's approval and onset date.

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 via their July 31, 2009 SHRT decision.

Accordingly, the department's decision is AFFIRMED, and MA benefits shall be awarded retroactive to March 2009, as long as claimant meets all the other financial and non-financial requirements necessary to receive them. Additionally, the local office shall conduct a review of claimant's physical and mental conditions in July, 2010. **SO ORDERED.**

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

Date Signed: September 10, 2009

Date Mailed: September 10, 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.

2009-24727/mbm

MBM/db

cc:

