# STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

## ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

,

Claimant

Reg. No: 2009-27022

Issue No: 2009

Case No:

Load No:

Hearing Date: September 29, 2009

Kalamazoo 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 benefits. After due notice, an in-person hearing was held on Tuesday, September 29, 2009. The claimant was not present, but was represented by his authorized representative,

#### **ISSUE**

Whether claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

#### FINDINGS OF FACT

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

 On December 15, 2008, the claimant applied for Medical Assistance benefits with retroactive Medical Assistance to September 2008. 2009-27022/CGF

(2) Subsequent to the hearing, the Social Security Administration determined that the

claimant met the disability criteria for the SSI and RSDI program effective

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.

The claimant is eligible for Medical Assistance retroactive to September 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 September 2008.

Accordingly, if it has not already done so, the department is ORDERED to open an

ongoing Medical Assistance case for the claimant effective the month of the SSI entitlement.

Carmen G. Fahie

Administrative Law Judge

for Ismael Ahmed, Director

Department of Human Services

Date Signed: October 5, 2009

Date Mailed: October 5, 2009

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**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/vmc

