

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: 2009-27946

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 18, 2009

Alpena 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, an in-person hearing was held on November 18, 2009. Claimant personally appeared and testified. She was assisted by [REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-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) Claimant is a divorced, 65-year-old high school graduate with multiple medical conditions who has not been employed since 2005 (Department Exhibit #1, pg 4).

(2) On February 20, 2009, claimant's authorized representative ([REDACTED]) filed an MA/retro-MA application on her behalf.

(3) When the department denied this application, claimant's authorized representative filed a hearing request dated May 29, 2009.

(4) Claimant's hearing was held on November 18, 2009; at hearing, the record was extended to allow for submission of a physical examination, per the department's State Hearing Review Team (SHRT) decision dated July 17, 2009 (Department Exhibit #2).

(5) When this physical examination report was completed it was forwarded to SHRT for a post-hearing review.

(6) On February 12, 2010, SHRT reversed its earlier denial of claimant's disputed MA/retro-MA application based on the Social Security Administration's (SSA's) determination claimant was disabled under their rules as of May 2006.

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, the Social Security Administration's (SSA's) disability allowance, received while claimant's appeal was pending currently establishes claimant is disabled and has been disabled at all times relevant to her February 20, 2009 MA/retro-MA application.

BAM Item 115 specifies three months retro-MA coverage is also available under these circumstances; consequently, SHRT approved disability beginning in November 2008.

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 retroactive to November 2008.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed application shall be processed with benefits awarded as long as claimant meets all the other financial and non-financial requirements necessary to receive them. A medical review of claimant's condition is not necessary in lieu of the SSA disability allowance. **SO ORDERED.**

/s/

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

Date Signed: March 11, 2010

Date Mailed: March 12, 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 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.

2009-27946/mbm

MBM/db

cc:

