

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: 2009-4824

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 12, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 March 12, 2009.

ISSUE

Whether claimant has established disability for purposes of qualifying for Medical Assistance (MA) and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

(1) June 16, 2008, claimant applied for MA, retro-active MA, and SDA. Claimant submitted medical records for department consideration.

(2) August 20, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) August 27, 2008, the department sent claimant written notice that the application was denied.

(4) October 24, 2008, the department received claimant's timely request for hearing.

(5) December 2, 2008, the State hearing Review Team (SHRT) denied claimant's application citing lack of duration. Department B.

(6) March 12, 2009, the telephone hearing was held. Prior to the close of record, the department submitted evidence to establish claimant was approved for Supplemental Security Income (SSI), benefits to start January 1, 2009. Department C.

(7) Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month of application.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested.

Program Eligibility Manual (PEM) 260
LEGAL BASE
MA
Disability
42 CFR 435.540, .541
MCL 400.106

In this case, the claimant was approved for SSI effective January 1, 2009. Prior to the SSI approval, SHRT denied claimant's application due to lack of duration. In light of the SSI approval, claimant meets duration to qualify for MA based on disability. Finding of Fact (FOF) 5-7. As such, it is not necessary for the Administrative Law Judge to discuss claimant's disability.

Claimant meets the disability requirements under the law for Medical Assistance effective the earliest appropriate retroactive month prior to his June 2008 application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for purposes of Medical Assistance effective with the earliest appropriate retroactive month of application.

Accordingly, the department's action is HEREBY REVERSED. If it has not already done so, the department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning with the earliest appropriate retroactive month of application.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 14, 2009

Date Mailed: April 15, 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.

JAB/db

cc:

