

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: 2009-5058
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 13, 2009
Livingston 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, an in-person hearing was held on January 13, 2009. Claimant was represented by [REDACTED]

ISSUE

Whether claimant has established disability for purposes of Medical Assistance (MA).

FINDINGS OF FACT

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

(1) November 7, 2007, claimant applied for MA. She submitted medical records for department consideration.

(2) July 10, 2008, the Medical Review Team (MRT) denied claimant's application.

Department Exhibit A.

(3) September 23, 2008, the department sent claimant written notice that her application was denied.

(4) November 3, 2008, the department received claimant's timely request for hearing.

(5) December 11, 2008, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(6) January 13, 2009, the in-person hearing was held. Prior to the closing of the record, claimant requested the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision.

(7) March 26, 2009, after review of all medical evidence, the SHRT approved claimant's disability effective with the retroactive month of August 2007. SHRT Decision, 3/26/09.

(8) 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 260
Legal Base 42 CFR 435.540, .541
MCL 400.106

In this case, the claimant received a fully favorable decision from the SHRT regarding claimant's disability. The SHRT determined that claimant is disabled and disability onset effective August 2007. Finding of Fact 7-8. 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 August 2007.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant has established disability for purposes of Medical Assistance effective with the earliest retroactive month of application: August 2007.

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 retroactive month of application. If otherwise eligible, medical review is set for April 2010.

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

Date Signed: April 7, 2009

Date Mailed: April 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.

JAB/db

cc:

