

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: 2009-5923

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 26, 2009

Macomb County (36)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on October 30, 2008. After due notice, a hearing was held in Sterling Height, Michigan on Thursday, February 26, 2009. The Claimant's authorized representative appeared and testified.

[REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") program.

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application seeking MA-P and Retro MA-P on June 6, 2008.

2. The Medical Review Team (“MRT”) determined the Claimant was not disabled on September 8, 2008 finding the Claimant capable of performing other work for purposes of MA-P.

3. On September 10, 2009, the Department sent the Claimant an eligibility notice informing the Claimant that her MA-P benefits were denied.

4. On October 30, 2008, the Department received the Claimant’s written Hearing Request protesting the “not disabled” determination.

5. On December 19, 2008, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.

6. During the hearing, the authorized representative testified that the Claimant was approved for SSI effective [REDACTED]

7. Subsequent to the hearing, a copy of the Social Security Administration’s approval was forwarded to this office.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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”).

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled, and subsequently, the Social Security Administration (“SSA”) determines that the Claimant is entitled to RSDI based on his disability/blindness for

some, or all, of the time covered by the denied MA application, provided the Department is informed of the approval within 90 days of the date of the MA denial notice. PEM 260, pp.1, 2

All eligibility factors must be met for each month MA is authorized. PEM 260, p. 2

Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done) an ongoing Medical Assistance case for the Claimant effective March 2008.
2. The Department shall supplement the Claimant for any lost benefits she was otherwise eligible and qualified to receive in accordance with Department policy.

/s/ _____
Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: March 5, 2009

Date Mailed: March 9, 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.

2009-5923/CM

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.

CM/jlg

cc:

