

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
FOR THE DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

SOAHR Docket No. 2009-10598 REHD

DHS Reg No: 2009-9580

Case No: [REDACTED]

[REDACTED]

Claimant

_____ /

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.919 upon an Order of Reconsideration granted on January 30, 2009.

ISSUE

Is Claimant entitled to a hearing on whether he meets the disability standard for Medical Assistance based on disability (MA-P)?

FINDINGS OF FACT

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

1. On February 17, 2006, Claimant applied for MA-P and retroactive MA-P benefits.
2. The Medical Review Team denied Claimant's application for MA-P benefits.
3. On April 7, 2006, the Department sent notice of the denial of MA-P to Claimant.
4. On July 3, 2006, Ingham County Department of Human Services (DHS) received Claimant's hearing request from Claimant's authorized representative, L & S Associates, Inc.
5. L & S filed the hearing request to protest the denial of Claimant's application for MA-P and retro MA-P benefits.

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6. The hearing request was received by the State Office of Administrative Hearings and Rules (SOAHR) on July 12, 2006.
7. On July 22, 2006, SOAHR for DHS issued a letter stating that a hearing will not be scheduled since it had received information from Claimant's local DHS office that his issue with DHS has been resolved; and the letter stated further that if the problem that Claimant referred to in his hearing request has not been resolved he must respond immediately to SOAHR.
8. On December 28, 2006, SOAHR received a letter, from L & S Associates, stating that Claimant's issue regarding the denial of Medicaid has not been resolved, and Claimant has a right to a fair hearing on his Medicaid denial.
9. On March 22, 2007, SOAHR received Claimant's "Motion to Compel Scheduling of Hearing."
10. In addition to receiving the Motion, SOAHR received additional documentation which establishes that Claimant had an administrative hearing before a Social Security Administration (SSA) Administrative Law Judge who determined that Claimant has been disabled as defined in the Social Security Act "since February 1, 2006, **the amended alleged onset date of disability.**"
11. According to the Decision issued by the SSA Administrative Law Judge, **Claimant, through his counsel, amended the alleged onset date of disability to February 1, 2006**, which withdrew his request for a hearing on the Title II claim.
12. On January 30, 2009, SOAHR for DHS granted the request for Reconsideration and issued a Notice of Reconsideration to Claimant and L & S Associates.

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).

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Because of the SSA determination, it is not necessary for Claimant to have a hearing before an Administrative Law Judge to discuss the issue of disability. (See PEM Item 260) According to the SSA disability determination, Claimant meets the MA-P disability standard effective February 1, 2006, "**the amended alleged onset date of disability.**"

ORDER

IT IS THEREFORE ORDERED that, if it has not already done so, the Department shall determine whether Claimant is otherwise eligible for MA benefits based on a disability onset date of February 1, 2006, and issue any retroactive MA benefits that Claimant is otherwise eligible to receive based on an application date of February 17, 2006.

/s/ _____
Martin Snider
Administrative Law Judge
State Office of Administrative Hearing and Rules

cc:



Date Signed: February 20, 2009

Date Mailed: February 20, 2009

*****Notice*****

The Claimant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.