

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: 2009-9775

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 8, 2009

Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 31, 2009. Claimant personally appeared and testified along with her friend S.W.

ISSUE

Did the department properly deny claimant's October 14, 2008, Medicaid Assistance (MA) application, finding she lacks a legally disabling condition?

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 applied for MA on October 14, 2008.
2. On November 10, 2008, department's Medical Review Team determined that the claimant was not disabled for SDA eligibility purposes.

3. On November 19, 2008, department sent the claimant an Application Eligibility Notice denying his SDA application.

4. Claimant requested a hearing on December 5, 2008.

5. On January 21, 2009, department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled due to insufficient evidence per 20 CFR 416.913(d), and suggested additional medical exams be performed.

6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review. On May 28, 2009, SHRT determined that the claimant was capable of performing other work, and therefore not disabled.

7. On June 4, 2009, Ottawa County DHS advised the Administrative Law Judge that the claimant has received a fully favorable Social Security disability decision on May 20, 2009, with a December 1, 2006 disability onset. Claimant had not been put in pay status yet, but that is expected to occur soon. SSA decision was then forwarded to the Administrative Law Judge.

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 Michigan, the SSA's determination of disability onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA and retroactive MA pursuant to PEM 150 and 260.

The SSA determined claimant has been disabled since December, 2006. Consequently, the department must reverse its MA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and retroactive MA application and issue her any benefits she was entitled to but did not receive, based on October 14, 2008, application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Notify the claimant of this determination in writing.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2009

Date Mailed: June 16, 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 mailing 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.

IR [REDACTED]

cc: [REDACTED]