

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: 2009-12978
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 16, 2009
Montcalm 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 June 16, 2009. Claimant personally appeared and testified along with his wife [REDACTED]

ISSUE

Did the department properly determine that the claimant was not disabled for Medicaid (MA) eligibility purposes?

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 August 29, 2008.
2. On October 14, 2008, department's Medical Review Team determined claimant was not disabled for MA eligibility purpose.

3. On October 16, 2008, department sent the claimant a notice saying his MA application has been denied.

4. On January 9, 2009, claimant requested a hearing on department's action.

5. On March 2, 2009, 2009, department's State Hearing Review Team (SHRT) determined that the claimant was not disabled as his impairment/condition was non-severe and Drug and Alcohol Abuse is material per 20 CFR 416.935.

6. Following the hearing claimant provided voluminous additional medical records which were submitted to SHRT for further evaluation.

7. On July 16, 2009, SHRT determined that the claimant is disabled for MA eligibility purpose, approved retroactive MA effective April, 2008, and recommended a three year medical re-exam as of July 15, 2009.

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).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA and retroactive MA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's August 29, 2008 MA application to determine if all other non-medical eligibility criteria are met for approval of MA effective April, 2008. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA, a medical review of claimant's benefits is to take place in July, 2012.

SO ORDERED.

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

Date Signed: September 1, 2009

Date Mailed: September 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 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.

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