

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: 2009-13444
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2009
Arenac 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 24, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's November 17, 2008 Medicaid (MA) and retroactive 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 November 17, 2008.
2. On January 12, 2009 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes as she was capable of performing past relevant work.

3. On January 12, 2009, department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on January 21, 2009.

5. On March 2, 2009, department's State Hearing Review Team (SHRT) determined that the evidence was insufficient to determine claimant's MA eligibility, and requested a copy of an consultative exam from DDS and an eye exam.

6. Department obtained additional information requested by SHRT. At the start of the hearing claimant provided information that she had been approved for Social Security disability. Department then faxed SSA decision and SOLQ SSA Response report showing claimant's disability onset date to be September 27, 2008.

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 pursuant to PEM 260.

The SSA determined claimant has been disabled since September 27, 2008. 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 application and issue her any benefits she was entitled to but did not receive, based on September 27, 2008, application date, if she is otherwise eligible to receive them (i.e. meets all of the other required financial and non-financial 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: July 16, 2009

Date Mailed: July 17, 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]