

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: 2009-17127

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 10, 2009

Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 10, 2009.

ISSUE

Whether claimant has established disability for purposes of qualifying for Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

- (1) October 7, 2008, claimant applied for MA. Claimant submitted medical records for department consideration.
- (2) January 2, 2009, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) February 11, 2009, the department sent claimant written notice that her application was denied.

(4) February 18, 2009, the department received claimant's timely request for hearing.

(5) April 20, 2009, the State hearing Review Team (SHRT) denied claimant's application. Department B.

(6) June 10, 2009, the telephone hearing was held. Prior to the closing of the record, claimant requested the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision.

(7) July 31, 2009, after review of all medical records, the SHRT approved claimant's application with disability onset date of July, 2008. SHRT Decision, 7/31/09.

(8) Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month prior to the application month of October 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).

Department manuals provide the following policy statements and instructions for caseworkers:

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested.

Program Eligibility Manual (PEM) 260

LEGAL BASE

MA

Disability

42 CFR 435.540, .541

MCL 400.106

In this case, the claimant received a fully favorable decision from the SHRT regarding claimant's disability with disability onset date of July 2008. Claimant meets the disability requirements to qualify for MA effective with the earliest retroactive month prior to the application month of October 2008. Finding of Fact 7-8.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for purposes of Medical Assistance effective with the earliest retro active month of application.

Accordingly, the department's action is HEREBY REVERSED. If it has not already done so, the department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning with the earliest retro active month of application. Medical review is set for July 2016.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2009

Date Mailed: August 25, 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 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.

JAB/db

cc:

