

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

IN THE MATTER:

[REDACTED]

Reg No. 200920939
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: May 5, 2010
Dickinson County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, an in-person hearing was held on May 5, 2010. Claimant and his father personally appeared and testified. He was assisted by [REDACTED]

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA)/retro-MA eligibility standards?

FINDINGS OF FACT

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

1. Claimant is a 45-year-old alcoholic in full remission who applied for disability-based medical coverage (MA/retro-MA) on November 12, 2008, based on cardiac and pulmonary problems, as well as chronic low back pain.
2. Claimant was hospitalized for approximately one month in November 2008 at [REDACTED] in acute respiratory failure (ICU) after having been transferred from his local hospital for what started out as pneumonia with atrial fibrillation (Client Exhibit B, pgs 1-3).

3. Further evaluation during claimant's month long hospitalization confirmed dilated cardiomyopathy with severe left ventricular dysfunction (ejection fraction of 20%); additionally, multiple attempts at cardioversion failed so the doctors recommended claimant continue prescribed medications with repeat left ventricular testing one month after discharge (Client Exhibit B, pg 2).
4. Approximately two months after discharge, on January 15, 2009, claimant also applied for Social Security Administration (SSA) disability benefits; as such, his MA/retro-MA and SSA appeals were pending simultaneously.
5. Claimant's MA/retro-MA application denial hearing was held on May 5, 2010.
6. While this decision was pending, specifically, on July 28, 2010, the SSA issued a favorable disability allowance to claimant effective retroactive to his SSA application date (1/26/09).
7. This favorable allowance was based on a finding by the SSA's Administrative Law Judge that claimant's cardiac condition medically equals Listing 4.02 (Chronic Heart Failure) in his written decision issued July 28, 2010.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The material facts of record are no longer in dispute in this case. The SSA conclusively determined claimant meets the disability criteria necessary to qualify for MA. The department's policy in such circumstances is clear. BEM Item 150, pg 1 and BAM Item 115, pg 8, allow retro-MA coverage to begin back to the first day of the third calendar month prior to SSI entitlement.

Claimant's favorable SSA decision finds him disabled as of January 26, 2009. Consequently, the department erred in determining claimant was not eligible for retro-MA during his cardiac hospitalization month (11/08). As such, the department's disability denial action must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining claimant was not disabled at all times relevant to his November 12, 2008 MA/retro-MA application.

Accordingly, the department's denial is REVERSED, and this case is returned to the local office for MA authorization consistent with BEM Item 150 and BAM Item 115, cited above. **SO ORDERED.**

/s/
Marlene B. Magyar
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 11, 2010

Date Mailed: Octpber 12, 2010

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.

MBM/db

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