

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

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IN THE MATTER OF:

SOAHR Docket No. 2009-4083 REHD

DHS Reg No: 2009-2387

Case No: [REDACTED]

[REDACTED],

Claimant

_____ /

RECONSIDERATION DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.919 upon an Order of Reconsideration granted on March 30, 2009. Claimant was represented by [REDACTED].

ISSUE

Does Claimant meet the disability standard for Medical Assistance based on disability (MA-P) ?

FINDINGS OF FACT

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

1. On May 31, 2007, Claimant applied for MA-P benefits retroactive to March 2007.
2. On July 9, 2007, the Medical Review Team denied Claimant's application for MA-P benefits.
3. On July 10, 2007, the Department sent notice of the denial of MA-P to Claimant.
4. On September 20, 2007, the Department received Claimant's hearing request, protesting the denial of MA-P benefits.

5. The State Hearing Review Team (SHRT) upheld the denial of MA-P benefits.
6. On September 23, 2008, an Administrative Law Judge for the Department of Human Services issued a Decision and Order, affirming the denial of Claimant's application for MA-P benefits.
7. Subsequent to the Decision and Order issued in September 2008, the Social Security Administration (SSA) determined at the Administrative Hearings level that Claimant met the federal SSI disability criteria beginning September 25, 2005.

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).

Because of the SSA determination, it is not necessary to discuss the issue of disability. (See PEM Item 260) According to the SSA disability determination, Claimant meets the MA-P disability standard effective March 2007, because she has been disabled under section 1614(A)(3)(A) of the Social Security Act since September 25, 2005.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant has met the definition of medically disabled under the MA-P program since September, 2005.

Accordingly, if it has not already done so, the Department is ORDERED to determine whether Claimant is otherwise eligible for MA benefits for the time period in question and issue any retroactive MA benefits that Claimant is otherwise eligible to receive based on an application date of May 31, 2007.

/s/

Martin Snider
Administrative Law Judge
State Office of Administrative Hearing and Rules

[REDACTED]
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Reconsideration Decision

cc:

[REDACTED]

Date Signed: April 30, 2009

Date Mailed: May 1, 2009

*****Notice*****

The Claimant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.