

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: 2009-4101

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 21, 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, an in-person hearing was held on January 21, 2009. Representation was [REDACTED]

ISSUE

Whether claimant has established disability for Medical Assistance.

FINDINGS OF FACT

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

(1) June 11, 2008, claimant applied for MA and retroactive MA for the month of May 2008. Claimant submitted medical records for department consideration.

(2) July 9, 2008, the Medical Review Team (MRT) denied claimant's application. Department Exhibit A.

(3) July 21, 2008, the department sent claimant written notice that the application was denied. Department Exhibit C.

(3) October 16, 2008, the department received claimant's timely request for hearing.

(4) November 19, 2008, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(5) January 21, 2009, the in-person hearing was held. Prior to the close of the record, claimant requested the record be left open for additional medical evidence. Claimant waived the right to a timely hearing decision.

(6) March 24, 2009, after review of new medical evidence, the SHRT approved claimant's disability effective with the retroactive month of May 2008. SHRT Decision 3/24/09.

(7) Claimant meets the disability requirements to qualify for MA effective May 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 260
Legal Base 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. The SHRT determined that claimant is disabled and disability onset effective May 2008. Finding of Fact 7-8. As such, it is not necessary for the Administrative Law Judge to discuss claimant's disability. Claimant meets the disability requirements under the law for Medical Assistance effective May 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant has established disability for Medical Assistance effective May 2008.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance in compliance with department policy and this Decision and Order. If otherwise eligible, medical review is set for March 2010. At review claimant should provide updated 49 forms and updated medical information from August 2009 to current.

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

Date Signed: April 7, 2009

Date Mailed: April 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 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.

2009-4101/jab

JAB/db

cc:

