

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: 2009-4390
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 19, 2009
Kent 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 claimant's request for a hearing. After due notice, a telephone hearing was held on March 19, 2009. Claimant personally appeared and testified. She 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 as material fact:

(1) On August 5, 2008, the department's local Medical Review Team (MRT) denied claimant's May 16, 2008 disability application for MA/retro-MA.

(2) Claimant promptly requested a hearing, held March 19, 2009.

(3) At hearing, claimant's attorney presented additional medical evidence which was forwarded to the department's State Hearing Review Team (SHRT) for a post-hearing review.

(4) On April 8, 2009, SHRT reversed the department's earlier denial and authorized continuous MA/retro-MA coverage from February, 2008 forward, that being the earliest retro-month possible under the department's current policy.

(5) SHRT determined claimant was disabled at all times relevant pursuant to Listing 12.04 and set a review of her condition for April, 2010, to include an independent mental status evaluation with specified criteria listed.

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 the present case, SHRT reversed the department's earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to her May 16, 2008 MA/retro-MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the deparatment's decision is AFFIRMED, and it is Ordered that claimant's disputed MA/retro-MA application shall be processed with benefits awarded if she meets all the other financial and non-financial requirements necessary to receive them. Furthermore, the local office shall conduct a review of claimant's condition in April, 2010, as specified in the SHRT approval dated April 8, 2009.

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 5, 2009

Date Mailed: May 5, 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.

MBM/db

cc:

