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

IN THE MATTER OF:



Reg. No: 201016954

Issue No: 2009

Case No: Load No:

Hearing Date: March 23, 2010

Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request fo ra hearing to protest the denial of claimant's application for MA-P. After due notice, a telephone hearing was held on 3/23/10.

<u>ISSUE</u>

Whether claimant meets the disability criteria for Medical Assistance (MA)?

FINDINGS OF FACT

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

- On 9/8/09, claimant applied for MA -P with the Michigan Department of Human Services (DHS).
- Claimant did not apply for retro MA.
- On 10/18/09, MRT denied.
- 4. On 10/19/09, the department issued notice.
- 5. On 1/6/10, claimant filed a hearing request.

- 6. On 2/5/10, SHRT denied claimant.
- 7. At the conclusion of the hearing, the record wa sheld open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on SHRT once again denied claimant.
- 8. Subsequent to the hearing, the Soci al Sec urity Administration determined that the claimant met the disability or iteria for the programs with a disability onset date of
- 9. On 9/10/10, the under signed Administrative Law Judge received an SOLQ SSA Res ponse Re porting in dicating c laimant was approve d disability benefits by SSA. Claimant's onset date is identified as no months left for review.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 Administ rative Manual (PAM), the Program Eligibili ty Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program as of the 9/8/09 application date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's previous denials are hereby REVERSED.

The depar tment shall review this case in accordance with its usual policy and procedure.

Janice Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 27, 2011

Date Mailed: January 28, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JS/vc

cc: