

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: 2010-16959
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 10, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine that the claimant was not disabled for Medicaid (MA) and retroactive MA eligibility purposes?

FINDINGS OF FACT

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

1. Claimant applied for MA, retroactive MA and State Disability Assistance (SDA) on July 8, 2009.

2. On November 2, 2009 department's Medical Review Team (MRT) determined claimant was not disabled for MA eligibility purpose, as her impairment(s) lacked duration of 12 months. MRT approved claimant's SDA application.

3. On November 10, 2009 department sent the claimant a notice saying her MA application has been denied.

4. On January 7, 2010 claimant requested a hearing on department's action.

5. Hearing was held on March 10, 2010 and record extended for 90 days as the claimant had additional medical information to provide.

6. On June 14, 2010 local county office advised that the claimant's case was reviewed by MRT for SDA eligibility redetermination and a new MA application, and that MRT returned the medical packet approving claimant's MA back to July, 2009 application. Local county office called MRT for clarification and information was received that the claimant should have never been denied for MA to begin with.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Based on MRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA and retroactive MA eligibility purposes.

Accordingly, department is to:

1. If not already completed, initiate a review of claimant's July, 2009 MA and retroactive MA application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA, a medical review of claimant's benefits is to take place in accordance with MRT decision.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2010

Date Mailed: June 16, 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 mailing 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.

2010-16959/IR

IR/tg

cc:

