

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-19657  
Issue No: 2009  
Case No: [REDACTED]  
Hearing Date  
April 13, 2010  
Ottawa County DHS (70)

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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 April 13, 2010. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge [REDACTED]. Judge [REDACTED] is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge [REDACTED] by considering the entire record.

**ISSUE**

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P), and Retroactive Medical Assistance (Retro-MA-P)?

**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 June 25, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On December 2, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 201.21.

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- (3) On December 7, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On February 4, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On April 19, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a complete physical examination by an Internist.
- (6) The hearing was held on April 13, 2010. At the hearing the claimant waived the time period and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on November 16, 2011.
- (8) On December 7, 2011, the State Hearing Review Team approved claimant for Medical Assistance and Retroactive Medical Assistance benefits stating in its recommended decision that the claimant was approved for Social Security Disability benefits on September 22, 2010. Therefore, MA-P and Retro-MA-P is approved effective March 1, 2009. At the medical review of December 1, 2012, request medical records from the last six months.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

On September 22, 2010 the Social Security Administration gave claimant a fully favorable decision indicating that his disability began on January 15, 2010, the date the application supplement income was filed.

Because of the Social Security Administration determination and the SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per Bridges Administrative Manual Item 600. The department is required to

initiate a determination of claimant's financial eligibility for the requested benefits if not previously done.

**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 effective March 1, 2009.

Accordingly, the department's decision is REVERSED, the department is ORDERED to open ongoing medical assistance case for the claimant effective the month of SSI entitlement. For the months prior to the SSI entitlement, the department is ORDERED to determine if all other non-medical eligibility criteria are met. The department shall inform claimant of the determination in writing. The department is ORDERED to conduct a medical review in December 2012 and request medical records from the last six months.

/s/

Landis Y. Lain  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 12/12/11

Date Mailed: 12/12/11

**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.

LYL/ds

