

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: 2010-20688
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 20, 2010
Bay 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 April 20, 2010. Claimant personally appeared and testified. Also appearing on claimant's behalf was her daughter [REDACTED]. Claimant was represented by [REDACTED]

ISSUE

Did the department properly determine in November, 2009 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 and retro MA on July 20, 2009.

2. On November 2, 2009 department's Medical Review Team determined claimant was not disabled for MA eligibility purpose.

3. On November 5, 2009 department sent the claimant a notice saying her MA application has been denied.

4. On February 4, 2010 claimant requested a hearing on department's action through her authorized representative [REDACTED].

5. On February 26, 2010 department's State Hearing Review Team (SHRT) also denied claimant's application citing insufficient evidence, and suggested additional medical information be obtained.

6. Department obtained additional medical information and forwarded it to SHRT prior to the hearing. Yet additional medical information was obtained at the hearing and also forwarded to SHRT following the hearing.

7. On April 22, 2010 SHRT determined that the claimant was disabled based on her medical condition meeting/equaling listed impairments listing 11.04 of federal regulations.

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 (PRM).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Bridges 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. Initiate a review of claimant's July 20, 2009 MA and retro 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 April, 2013. At review a prior medical packet, DHS-49-B, F, G, DHS-49-D and E, all hospital and treating source notes and test results, and all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service, are to be provided.

SO ORDERED.

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

Date Signed: April 26, 2010

Date Mailed: April 26, 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.

IR/tg

cc:

