

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: 2010-23026
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2010
Ogemaw 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 31, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine in January, 2010 that the claimant was not disabled for Medicaid (MA) and State Disability Assistance (SDA) 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, retro MA and SDA on August 28, 2009.
2. On January 8, 2010 department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.

3. On January 12, 2010 department sent the claimant a notice saying her MA and SDA application has been denied.

4. On February 22, 2010 claimant requested a hearing on department's action.

5. On March 12, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled for MA and SDA eligibility purpose.

6. Claimant presented additional medical evidence at the hearing that was forwarded to SHRT for review. On April 5, 2010 SHRT again determined that the claimant was not disabled.

7. Before the Administrative Law Judge's decision on claimant's hearing appeal claimant unexpectedly submitted more medical information. That information was forwarded to SHRT on August 13, 2010 for yet another review.

8. On August 18, 2010 SHRT determined that the claimant's impairment(s) meet/equal listing 4.01. SHRT therefore approved MA effective August, 2009, retro MA effective May, 2009, and SDA. September, 2013 medical review was cited.

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

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R

400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

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, retro MA and SDA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's August 28, 2009 MA, retro MA and SDA 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 and SDA, a medical review of claimant's benefits is to take place in September, 2013. At review the department is to request hospitalizations, progress notes, test reports and treatment records from attending physicians and specialist from the last 12 months. DHS-49 is not to be sent.

SO ORDERED.

/s/

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

Date Signed: August 24, 2010

Date Mailed: August 24, 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

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