

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: 2010-23313
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, as the claimant had a panic attack on the way to the hearing, and his originally scheduled in-person hearing was held by telephone. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was his girlfriend [REDACTED]. Claimant was represented by [REDACTED] Hearing Representative, [REDACTED], [REDACTED].

ISSUE

Did the department properly deny claimant's March 30, 2009 Medicaid (MA) and retroactive MA application, finding he lacks a legally disabling condition?

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 March 30, 2009.
2. On November 30, 2009 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.
3. On December 1, 2009 department sent the claimant an Application Eligibility Notice denying his MA and retro MA application.
4. Claimant requested a hearing on February 24, 2010.
5. On March 11, 2010 department's State Hearing Review Team (SHRT) also denied claimant's MA application based on insufficient evidence, and suggested additional medical information/exams be obtained.
6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review.
7. On July 8, 2010 SHRT advised that the claimant has been approved for Social Security disability benefits in May, 2010, with a January, 2009 disability onset. SHRT therefore approved claimant's MA and retro MA application effective January 1, 2009.

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).

In Michigan, the SSA's determination of disability onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA pursuant to BEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department previously erred in determining claimant is not disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and retro MA application and issue him any benefits he was entitled to but did not receive, based on March 30, 2009 application date, and retroactive to January 1, 2009.
2. Notify the claimant of this determination in writing.
3. Set a medical review for July, 2011, at which time claimant's current SSA payment status is to be checked. If the claimant is in current payment status at the medical review, no further action is necessary. If the claimant is not in current SSA payment status, updated application forms (DHS-49 forms) and updated medical records are to be obtained.

SO ORDERED.

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

Date Signed: July 14, 2010

Date Mailed: July 14, 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:

