

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: 2010-25182
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 13, 2010
Shiawassee 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 13, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's October 19, 2009 Medicaid (MA) and retroactive MA application, finding she 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 October 19, 2009.
2. On December 30, 2009 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On January 29, 2010 department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on February 26, 2010.

5. On March 24, 2010 department's State Hearing Review Team (SHRT) also denied claimant's MA application citing insufficient evidence and recommending that additional medical information be obtained. Department was to arrange for an additional exam.

6. On June 23, 2010 SOAHR received a letter from the claimant advising that she has been approved for Social Security disability benefits with a disability onset date of October 1, 2009. Claimant enclosed the Social Security Administration approval letter.

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.

The SSA determined claimant has been disabled since October 1, 2009. Consequently, the department must reverse its MA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

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

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

1. Process claimant's disputed MA application and issue her any benefits she was entitled to but did not receive, based on October 19, 2009 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria)
2. Notify the claimant of this determination in writing.
3. Medical review of claimant's MA case (if approved) is not necessary due to receipt of Social Security disability eligibility.

SO ORDERED.

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

Date Signed: June 29, 2010

Date Mailed: June 29, 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.

2010-25182/IR

IR/tg

cc:

