

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: 2010-28118
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 was at a hospital with her father and could not attend the originally scheduled in-person hearing. Claimant personally appeared and testified.

Claimant was represented by [REDACTED], Hearing Representative, [REDACTED]
[REDACTED]

ISSUE

Did the department properly deny claimant's (insert date of application) 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 August 17, 2009.

2. On February 1, 2010 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On February 17, 2010 department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on March 19, 2010.

5. On April 2, 2010 department's State Hearing Review Team also determined that the claimant was not disabled.

6. On July 7, 2010 claimant's representatives, [REDACTED], advised that the claimant has been approved for Social Security disability benefits in June, 2010, with a June 30, 2009 disability onset. Social Security Administrative Law Judge's decision was provided verifying this approval. Claimant's SSI payments were however not approved due to an outstanding warrant for her arrest since December 18, 2008 through June 18, 2010 at least.

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 June 30, 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 August 17, 2009 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria including consideration of her outstanding arrest warrant).

2. Notify the claimant of this determination in writing.

3. If claimant's MA application is approved, review claimant's ongoing eligibility in August, 2011. If the claimant is in SSI payment status at that time, no further action is needed. If the claimant is not in SSI payment status, updated medical forms (DHS-49 forms) and updated medical information 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:

