

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-28648
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 4, 2010
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on August 4, 2010. Claimant appeared for the hearing.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On December 23, 2009, claimant filed an application for MA-P benefits. The application requested MA-P retroactive to September of 2009.
2. On March 17, 2010, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.
3. On March 24, 2010, a hearing request was filed to protest the department's determination.
4. More recently, the Social Security Administration awarded claimant Retirement, Survivors' and Disability Insurance based upon disability. The Social Security Administration established a disability onset date of December of 2006.
5. At the hearing, based upon the Social Security Administration award, the parties reached an accord. The department agreed to initiate reconsideration of

claimant's December 23, 2009, application for MA-P benefits so that it might consider all non-medical eligibility criteria. The department agreed to notify claimant in writing as to its determination.

6. Claimant indicated satisfaction with the department's plan of action.

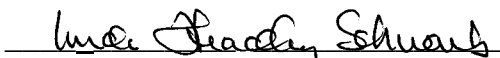
CONCLUSIONS OF LAW

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. Based upon the Social Security Administration award of Retirement, Survivors' and Disability Insurance, the department agreed to initiate reconsideration of claimant's December 23, 2009, application for MA-P benefits so that it might consider all non-medical eligibility criteria. The department agreed to notify claimant in writing as to its determination. Claimant indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's December 23, 2009, application for Medical Assistance in light of the recent Social Security Administration award. The department shall consider all other non-medical eligibility criteria. The department shall notify claimant in writing as to its determination.


Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 9, 2010

Date Mailed: August 10, 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.

LSS/pf

cc:

